



SURF LIFE SAVING AUSTRALIA POLICY

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PART 1—MEMBER PROTECTION POLICY

1.1 INTRODUCTION

Surf Life Saving Australia (SLSA) including its subsidiary companies, State Centres, Branches and Clubs (collectively referred to in this document as SLS Entities), is committed to the health, safety and wellbeing of all its members and is dedicated to providing a safe environment for those participating in Surf Life Saving activities and events. SLSA wants Surf Life Saving (SLS) to be fun, enjoyable and safe for all.

Surf lifesavers are nurtured in an environment that values safety, trust, respect, caring and responsibility. This environment encourages acceptance, confidence and risk taking. For surf lifesavers to venture into challenging waters in times of distress, they need to have faith and trust in themselves and in the people around them. The motivation for surf lifesavers to give freely of their time is to be found in SLS environments that value:

- safety and support
- caring and camaraderie
- trust and teamwork
- respect and responsibility.

As part of the SLS community, each individual makes a commitment to actively encourage behaviours that promote a supportive and nurturing environment and contribute to our core purpose: 'To save lives, create great Australians and build better communities'.

1.2 POLICY RATIONALE

This Policy aims to assist SLSA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with SLS. It sets out SLS' commitment to ensure that every person involved in SLS is treated with respect and dignity and protected from discrimination, Harassment and Abuse. It also seeks to ensure that everyone involved in SLS is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them. All SLS Entities are committed to the health, safety and general wellbeing of everyone involved in SLS. That is the rationale for this Policy.

This Policy has a number of key appendices which can be accessed here:

[SLSA MPP 6.05 - Appendices](#)

Although appendices these documents are part of the Policy and are binding on Members.

All SLSA Entities will promote and monitor this Policy and its procedures to the fullest extent possible and with the assistance of their Members. All SLS Entities recognise that the responsibility for safeguarding Members including Children or Young People in SLS lies with all those involved in SLS and is not the sole responsibility of any one person at Club, Branch, state or national level.

This Policy has been endorsed by SLSA's board of directors (Board) on 22 October 2016, and is effective immediately. It has been incorporated into SLSA's regulations in accordance with clause 39 of SLSA's Constitution. The Policy starts on the date it is adopted by the Board and will operate until replaced. Copies of the current Policy and its attachments are available on the SLSA website at www.sls.com.au.

1.3 WHO IS BOUND BY THIS POLICY?

This Policy (including its appendices) binds everyone who is involved in SLS including but not only:

- a) persons appointed or elected to boards, committees and sub-committees
- b) volunteers
- c) support personnel
- d) all Members, including State Centres, Clubs, individual members, life members and members of Members (including Branches)
- e) any other person involved in SLS including but not limited to participants, parents, guardians, spectators, sponsors and licensees and other contracted parties to the full extent possible.

This Policy will continue to apply to a person, even after they have stopped their association or employment (subject to this Policy's terms) with an SLS Entity, if disciplinary action against that person has commenced.

1.4 COMMITMENT

All SLS Entities will strive to:

- provide a safe environment for everyone involved in SLS
- take an inclusive approach in its activities
- ensure the safety and wellbeing of their Members and Children or Young People in particular.

In delivering on this commitment to the health, safety and wellbeing of all their Members, each SLS Entity takes seriously its positive obligation to educate and inform everyone involved in SLS of each person's responsibilities to:

- protect each other, and particularly Children or Young People, from all Abuse and Child Abuse including Grooming
- create and maintain a Member and child-safe culture and a culture of inclusion and safety that is understood, endorsed and put into action by all.

Subject to their respective legislative, rules and human resources (employment) frameworks, all SLS Entities must:

- adopt, implement and comply with this Policy (including its appendices)
- ensure that the constitution, by-laws or other rules and policies include the necessary clauses for this Policy to be enforceable
- publish, distribute and promote this Policy and the consequences of breaches
- promote and model appropriate standards of behaviour at all times
- deal with any breaches, reports or Formal complaints made under this Policy in a sensitive, fair, timely and confidential manner
- apply this Policy consistently
- recognise and enforce any penalty imposed under this Policy
- ensure that a copy of this Policy is available or accessible to the persons and associations to whom this Policy applies
- use appropriately trained people to receive and manage any report, complaint or allegation
- monitor and review this Policy regularly.

1.5 BREACHES OF POLICY

All SLS Entities encourage everyone in the SLS community to comply with this Policy. Failure to comply with this Policy may be considered a breach and result in disciplinary action in accordance with this Policy and/or other SLA regulations.

APPENDIX A - CHILD PROTECTION COMMITMENT STATEMENT (CPCS)

An integral part of this Policy is the CPCS. The CPCS consists of a set of principles and procedural benchmarks in relation to the protection of Children or Young People (CYP) that all SLS Entities should have in place for everyone involved in SLS.

2.1 WHAT IS SLS' COMMITMENT TO PROTECTING CHILDREN OR YOUNG PEOPLE (CYP)?

a) SLS' commitment to CYP

All SLS Entities:

- are committed to the safety and wellbeing of Members and all CYP who access any SLS activities, programs, events or services
- are committed to providing CYP with positive and nurturing experiences
- will use their best endeavours to support families and communities to promote CYP's healthy development and wellbeing
- will strive to ensure that CYP are protected and not exploited, abused or harmed during their involvement with any SLS activities, programs, events or services
- will listen to CYP and address any concerns that they raise
- may ask for consent from CYP and their parents/carers before seeking out or providing information about them to any other individuals or organisation. SLS Entities may not however, ask for consent to disclose information to police, regulatory authorities or relevant statutory child protection agencies if they have concerns about the safety and wellbeing of a specific CYP
- are committed to supporting parents and carers to protect their CYP
- are committed to communicating honestly and openly with parents and carers about the wellbeing and safety of their CYP
- will promote and distribute information about this CPCS to CYP and parents/carers as part of an introduction to SLS activities, services and programs
- aim to be transparent in decision-making with parents and carers as long as doing so does not compromise the safety of CYP or breach any confidentiality obligations.

b) SLS' commitment to ensuring a child-safe organisation

All SLS Entities:

- are committed to complying with relevant standards in the recruitment, screening and employment of any Persons in Positions of Authority (PPA)
- will work to create an environment in which CYP are safe and feel safe in any SLS programs, activities or events
- will strive to ensure that PPA do not harm, abuse or exploit CYP who are involved with SLS activities, programs or services.

2.2 HOW DOES THE CPCS APPLY TO PERSONS IN POSITIONS OF AUTHORITY (PPA)?

All PPA must:

- a) adhere to the CPCS
- b) follow and adhere to the reporting and complaints procedures with respect to any breaches of this Policy.

In addition, all SLS Entities will endeavour to become and remain compliant at all times with the seven standards of the Safeguarding Children Program of the Australian Childhood Foundation. These standards will support all SLS Entities to develop and maintain an effective child-safe culture across all of their activities, programs and services. Information on these standards is available at <http://www.safeguardingchildren.com.au/the-program/the-seven-key-strategies.aspx>

2.3 WHAT ARE THE REQUIREMENTS OF AND COMMITMENT TO PPA IN RELATION TO PROTECTING CYP?

- a) SLS Entities' Commitment to PPA

For PPA SLS Entities will:

- provide the necessary support to enable them to fulfil their roles
- put in place an appropriate structure that supports and develops them, as applicable, in their roles
- provide appropriate guidance and development
- ensure that there is access to a Senior Person to make decisions in relation to any action required to protect CYP from Child Abuse
- work to ensure that there are safeguards in place to protect CYP.

- b) Requirements of PPA

PPA are expected to:

- i. understand the rights of CYP, as appropriate to their role

A working knowledge of CYP's rights should inform decisions about how to behave with and act on behalf of CYP. It enables recognition of when CYP's needs and entitlements are compromised and when they require support.

- ii. respect the cultural and religious practices of families who access SLS services, programs or events

While the importance of culture and religion in the lives of CYP and families is recognised, the right of CYP to protection from Harm should take precedence over any cultural or religious belief.

- iii. understand and appropriately respond to the special needs of CYP with developmental delays or disabilities including working alongside primary carers of such CYP. This includes:

- acting in ways that communicate effectively with and are supportive of CYP with developmental delays or disabilities
- recognising the additional vulnerability to exploitation and Harm that CYP with developmental delays or disabilities experience.

- iv. be respectful of CYP by:

- facilitating opportunities for CYP to provide their views and feedback

- treating children as individuals and respecting their unique abilities and vulnerabilities
- expressing attitudes and engaging in behaviour that respect and support CYP.

- v. appropriately act on any concerns raised by CYP and/or their parents/carers

Any Report, Formal complaints or allegations made against any PPA will be fully considered and investigated. Any alleged crimes against CYP or other family members will be reported to the police in accordance with the policies and procedures of the relevant SLS Entity. PPA are expected to follow the Reporting and Formal complaints procedure in response to concerns raised by CYP and/or their parents.

- vi. strive to understand the definitions, indicators and impact of Child Abuse, including Grooming

Experiences of Child Abuse and Family Violence are significant sources of trauma for CYP and intensify the risk of CYP developing a range of emotional, psychological, social and behavioural problems. Through relevant Safeguarding Children training, PPA are expected to be able to define Child Abuse, be aware of its indicators and understand its consequences.

PPA should, wherever possible:

- identify and prevent Child Abuse from occurring
- take action to protect children from further Child Abuse.

- vii. know and follow regulations relating to the care of CYP

Rules and regulations governing safeguarding CYP engaged in SLS services, events, programs and activities may vary across Australian jurisdictions. PPA should know and follow (and have access to) laws and regulations in place in the jurisdiction in which they operate. All reasonable steps should be taken to ensure that such regulations are followed by all PPA in the relevant jurisdiction(s).

- viii. know and follow the relevant law(s) in relation to reporting Child Abuse and Grooming.

- ix. cooperate with police and/or other formal investigations to the best of their ability to safeguard CYP.

- x. always follow any Codes of Conduct implemented by SLS Entities that set out the rules for behaviour acting with each other and around CYP

Where possible, PPA should be asked to personally accept and/or endorse such Codes of Conduct to formalise their acknowledgment of and adherence to their content.

- xi. not harm or exploit CYP who access SLS services, activities programs or events, nor contravene any laws or regulations regarding the safety and wellbeing of CYP.

It is a serious breach of the CPCS and possibly the law, if any PPA—whether participating in a program, event, service or activity, or working in a paid or volunteer capacity—Harm or exploit CYP who are involved in any SLS activities, services, events or programs. Breaches of this include, but are not limited to, any PPA who:

- sexually assault CYP
- physically assault CYP
- verbally abuse, denigrate or bully CYP
- sexually harass CYP
- engage in grooming behaviour of CYP
- take, reproduce and/or distribute photos of CYP without their consent or the consent of their guardians

- publish any material containing images of CYP
- access, download, store or distribute any form of child pornography
- support CYP and their families as directed by Senior Persons if a CYP is, or is suspected of, being abused, bullied or exploited.

The impact of Child Abuse on CYP is traumatic. Formal debriefing and/or counselling will be made available and/or provided to CYP and their families who have experienced Child Abuse and any other CYP and family in the community who may indirectly be affected by the incident(s).

The listed expectations are requirements of this CPCS and should be included (preferably directly but may be incorporated by reference) in the policies, Codes of Conduct and operational procedures developed and implemented by all SLS Entities.

2.4 WHAT SUPPORT WILL BE PROVIDED TO PERSONS IN POSITIONS OF AUTHORITY (PPA)?

All relevant PPA should:

- receive training to keep CYP safe from Child Abuse. All SLS Entities will aim to provide training opportunities regularly and as appropriate to the various roles of PPA
- be clear about what is expected of them regarding the welfare and safety of CYP through clarifying applicable procedures at regular opportunities and, where possible, encouraging standing agenda items at regular forums to discuss best practice procedures
- be aware of the appropriate recruitment, screening and employment practice in relation to individuals with specific roles in working, coaching or volunteering with CYP and families

As applicable, and subject to particular state or territory statutory requirements, and any particular SLS Entity rules or human resources management requirements PPA will be informed during their recruitment that their appointment will be subject to clearance under the Working with Children Check (WWCC) system and/or a national criminal record history check. It is a serious breach of this Policy if an individual who has convictions that would make him/her ineligible to be granted a WWCC (or equivalent) clearance is permitted to work or volunteer with CYP who access SLS services, programs, events or activities. It is also a serious breach if an individual continues in his/her role with an SLS Entity if he/she has been charged with or convicted of a crime that would make him/her ineligible to be granted a WWCC (or equivalent) clearance.

- receive guidance and supervision in relation to their role with CYP and families

To assist with some of the complexity and challenges of working with CYP and their families, regular guidance should be provided for all relevant PPA in relation to their specific roles with CYP and families (for example, the circulation and notification of changes to legislation involving the safety and welfare of CYP).

- make joint decisions with Senior Persons about initiating action to protect CYP from Child Abuse
- receive appropriate and timely debriefing and/or counselling opportunities if required following stressful or challenging situations involving CYP and/or their families. This should be conducted at State Centre level.

2.5 WHO IS RESPONSIBLE FOR IMPLEMENTING THE SLSA CPCS?

The SLSA Member Welfare Committee is responsible for the development and endorsement of the CPCS. It delegates the implementation of the Commitment to State Centres, Branches and Clubs. The role of each SLS Entity in relation to the CPCS is summarised below.

Entity	Role/responsibility
SLSA	• Promote the CPCS and its expectations.

Entity	Role/responsibility
	• Support policy review annually or at such times as are governed by legislation, regulations, Australian Sports Commission (ASC) directions or organisational learnings that promote a change to the CPCS and relevant policy or procedural guidelines. • Strive to ensure that adequate resources are allocated to allow for the development of the CPCS, and all relevant policy and procedure creation and review, inclusive of effective implementation. • Develop opportunities for regular discussion at all levels to support a culture of openness and continued improvement and accountability to child protection and member welfare. • Advocate and promote child rights, empowering and engaging CYP in support of the CPCS and its expectations.
State Centres	• Strive to ensure that all PPA understand their obligations in accordance with the CPCS and any relevant policy and procedural documentation. • Strive to ensure that the CPCS is implemented and adhered to among Clubs and their Members, staff and officials. • Strive to ensure that the development and implementation of required internal policy/work procedures and guidelines are in place to support child protection practice in accordance with the expectations of the CPCS. • Strive to ensure that adequate resources are allocated to allow effective implementation of the CPCS. • Advocate and promote child rights, empowering and engaging CYP in support of the CPCS. • Proactively share resources and experience in the development of child-safe initiatives in SLS as they are identified. • Develop opportunities for regular discussion at all levels to support a culture of continuous improvement and accountability of child protection and Member welfare. For example, in team meetings or regular forums, include member welfare as a regular agenda item.
Branches and Clubs	• Strive to ensure that all PPA understand their obligations in accordance with the CPCS and any relevant policy and procedural documentation. • Strive to ensure that the CPCS is implemented and adhered to amongst its Members, staff and support personnel. • Strive to ensure that the development and implementation of required internal policy/work procedures and guidelines are in place to support child protection practice in accordance with the expectations of the CPCS. • Strive to ensure that adequate resources are allocated to allow effective implementation of the CPCS. • Advocate and promote child rights, empowering and engaging CYP in support of the CPCS. • Proactively share resources and experience in the development of child-safe initiatives in SLS as they are identified.

Entity	Role/responsibility
	Develop opportunities for regular discussion at all levels to support a culture of continuous improvement and accountability of child protection and member welfare. For example, in team meetings or regular forums—include as a regular agenda item.

2.6 RECRUITMENT AND SCREENING PROCEDURES FOR ROLES WITH DIRECT CONTACT WITH OR PERMITTING ACCESS TO CYP

a) Introduction

Best practice recruitment and screening for all persons involved in SLS services who have direct contact with or access to CYP requires implementation of the processes outlined in clauses 2.6(b)–2.6(j). The practices below as they apply to SLS Entity employees are subject to relevant legislation and relevant rules, human resources and/or employment processes adopted and implemented by a particular SLS Entity. If an SLS Entity (for example a Club) does not have particular human resources and/or employment processes, it should follow the processes in this clause 2.6.

b) Application of procedures in section 2.6

Subject to clause 2.6(a) above (as it relates to SLS Entity employees), all SLS Entities should apply the practices and procedures in this clause 2.6 in relation to all prospective employees. Unless otherwise stated, all SLS Entities should, where feasible and to the greatest extent practicable, apply the practices and procedures in this clause 2.6 in relation to all volunteers in SLS. In this clause 2.6:

- volunteer includes any individuals volunteering their time and/or services free of charge, or receiving reimbursement expenses only
- employee includes any individuals, whether full time, part time or casual, being employed by any SLS Entity and being remunerated for their time and/or services.

Where an SLS Entity is determining whether it is practical to apply the practice and procedures in this clause 2.6, the following may be considered:

- the size of the organisation
- the number of prospective applications
- the nature of the positions for which volunteers are being sought.

c) Purpose

These recruitment and screening procedures seek to ensure that all SLS Entities recruit people who are suitably qualified and committed to providing professional, safe and enjoyable activities and services to CYP. There are specific recruitment and screening procedures that must be consistently followed by all SLS Entities when recruiting roles that have direct contact with or permit access to CYP in SLS.

As noted above in clause 2.6(a) recruitment of employees is governed by relevant legislation and the relevant rules, human resources and/or employment processes of the relevant SLS Entity. It is expected, however, that those practices should recognise the CPCS and other principles in the Policy, for example clauses 2.6(d) and (e) below.

d) Advertising

All SLS Entity advertised positions and internal position descriptions for positions that require direct contact with or permit access to CYP should contain the following statement (or similar):

‘We will carry out screening and undertake a background check process on all applicants prior to appointment.’

e) CPCS

The CPCS will be referenced in all position descriptions and applications documentation, and otherwise should be communicated and/or made available to applicants at least prior to an interview.

Subject to relevant legislation and the relevant rules, human resources and/or employment processes adopted and implemented by a particular SLS Entity all applicants for employment roles with SLS Entities that require direct contact with, or that permit access to CYP, should attend or participate in at least one interview or program of induction. SLS Entities should endeavour to interview applicants for volunteer roles with SLS entities that require direct contact with, or that permit access to CYP. As part of the interview, the CPCS should be highlighted. Any screening requirements and their purpose should also be explained.

f) Proof of identity and qualifications check

The identity and qualifications of each shortlisted applicant for any position requiring direct contact with or access to CYP may be confirmed by the relevant SLS Entity requesting proof of identity and proof of qualifications documents from the applicant that are relevant to their role and their suitability to work with CYP. On completion of the recruitment process and if requested, copies of the successful applicant’s proof of identity and proof of qualifications documents should be added to the applicant’s file.

If an applicant is unable to provide specific documentation, an appropriate Senior Person will be advised and an approval for a variation sought. The Senior Person or the relevant SLS Entity may withhold approval for any variation requested at their absolute discretion.

g) Background and screening checks

Subject to relevant legislation and the relevant rules, human resources and/or employment processes of the relevant SLS Entity or unless the law provides otherwise, all SLS Entity boards and employees must have a satisfactory WWCC in the appropriate jurisdiction in which they spend the majority of their working time.

In addition, at the discretion of the relevant SLS Entity, applicants may be required to satisfy a number of background checks, at the commencement of, and in some cases during, the term of their role. These may include (but are not limited to) the following:

- a national criminal history record check
- a signed declaration
- a reference check
- any other relevant background checks to assess a person’s suitability to work with Children or Young People.

If the applicant has already commenced in a role with an SLS Entity and the results of any background or screening checks are unsatisfactory, the SLS Entity may terminate the individual’s position (whether employed or voluntary) without notice. SLS Entities should only recruit persons with appropriate qualifications and experience. If at any stage (including before or after commencement in the relevant position) it is discovered that any aspect of the applicant’s curriculum vitae or the references or background checks that are provided in support of the application are dishonest or misleading, the SLS Entity will be entitled to terminate the position immediately without notice.

h) Record keeping and sharing of information—WWCC and/or national criminal history record checks

All SLS Entities must comply with relevant laws in relation to record keeping. Subject to those laws all SLS Entities should maintain:

- records of all employees and volunteers
- a register of WWCC and/or national criminal history record check for all persons for whom checks have been obtained. This register must detail application and approval or rejection details (including WWCC or equivalent identifiers), expiry dates and any other identifying and useful information.

All SLS Entities will work together in the best interests of their Members and PPA. As such, SLS Entities must share information from relevant employment records and/or its register of WWCC and/or national criminal history record check in order to resolve any recruitment or screening issues and/or in the interests of resolving any observation, disclosure or incident relating to CYP. Branches and Clubs must also share employment records and/or proof of identity or qualifications information when requested by the relevant State Centre for the same purposes. For the avoidance of any doubt, all applicants must provide their consent to SLISA, State Centres, Branches and Clubs disclosing their personal information as set out above.

i) Guidelines for volunteers, short-term appointees and minors

Prospective parent/carers volunteers will be informed that, in the light of the above, every precaution will be taken to protect the CYP in the care of an SLS Entity. Accordingly, the policy for parent/carers volunteers:

- requires all SLS Entities to comply with any WWCC legislation that applies across the jurisdiction(s) in which they operate
- otherwise requires all prospective parent/carers volunteers to complete and sign a Member Protection Declaration (Attachment 1 of this Policy).

APPENDIX B-CODES OF CONDUCT

3.1 INTRODUCTION TO THE CODES OF CONDUCT

The following Codes of Conduct outline the expected behavioural guidelines for Members and persons involved in, and interactions between, all such persons in the Australian SLS community as well as safeguarding CYP.

There are two key elements to the Codes of Conduct:

- a) the General Code of Conduct, which relates to interactions between Members, Participants and Persons in Positions of Authority (clause 3.5.1)
- b) the Code of Conduct for interactions with CYP who take part in SLS programs, activities, services or events (clause 3.5.2). This Code of Conduct has been developed to help safeguard CYP.

As part of a Member's commitment to observing the General Code of Conduct and the Code of Conduct for engagement with Children or Young People (Codes), each Member will formally acknowledge their commitment to the Codes of Conduct, wherever practicable.

3.2 COMMITMENT TO THE CODES OF CONDUCT

The Codes should be read in conjunction with:

- the specific requirements of any role as defined in any position description statement, if applicable
- relevant policy and procedure documents, including the CPCS
- the reporting or complaint procedures
- other SLSA policies and guidelines available on the SLSA website including, but not only, the Privacy Policy, Social Media Guidelines, Anti-Doping Policy, Illicit Drugs in Sport Policy and the Match Fixing Policy
- all applicable laws in the relevant jurisdiction
- general community expectations in relation to appropriate behaviour between adults and CYP.

All SLS Entities may consider a failure to observe the Codes as misconduct, and may take appropriate disciplinary action in accordance with relevant rules and regulations including this Policy.

3.3 EXCEPTIONS

There may be exceptional situations where the Codes do not apply, for example, in an emergency situation. It is crucial however that, where possible, authorisation is sought from a Senior Person prior to taking action that contravenes the Code(s) or a Senior Person is advised as soon possible of any incident which breaches the Code(s).

3.4 SLS VALUES

It is critical within SLS in Australia that values drive behaviours and conduct. While the wording of stated values and behaviours may change depending on the relevant SLS Entity with which the Member is associated, there are some key principles that drive conduct and behaviour that are common across SLS. These are:

INTEGRITY and RESPECT

Recognising the contribution that people make to SLS, treating them with dignity and consideration, as well as caring for the property and equipment they use. Fairness should be employed in decision-making out of respect to all.

TEAMWORK

Collaboration and working together to achieve outcomes and resolve issues. Supporting one another on and off the beach is essential.

FUN AND ENJOYMENT

SLS should be enjoyable for all those participating in it. Efforts should be recognised and rewarded so as to fuel the passion for everyone in SLS and have fun along the way.

EXCELLENCE

Surf Lifesavers strive for best practice in everything they do—seeking the highest of standards in order to achieve the best possible outcomes for themselves, their Club and SLS.

3.5 CODES OF CONDUCT

The Codes should be followed at all times and by all Members and all people involved in any way with SLS.

3.5.1 General Code of Conduct

Members and all people involved in any way with SLS will:

- a) respect the rights, dignity and worth of others—treat others as you would like to be treated yourself
- b) be ethical, considerate, fair, courteous and honest in all dealings with other people and organisations
- c) be professional in, and accept responsibility for your actions
- d) be aware of and follow—at all times—SLS’ standards, rules, policies and procedures and promote those standards, rules, policies and procedures to others
- e) operate within the rules and spirit of the sport, including the national and international guidelines that govern SLS
- f) understand the possible consequences of breaching the Codes and/or this Policy
- g) report any breaches of the Codes or this Policy to the appropriate PPA
- h) refrain from any form of Abuse, Harassment, Discrimination and Victimisation towards others
- i) raise concerns regarding decisions of PPA through the appropriate channels and in a timely manner
- j) provide a safe environment for the conduct of activities in accordance with any relevant SLSA policy
- k) show concern, empathy and caution towards others that may be sick or injured
- l) be a positive role model to all
- m) respect and protect confidential information obtained through SLS activities or services; whether individuals and/or organisational information
- n) maintain the required standard of accreditation and/or licensing of professional competencies, as applicable to the role(s)
- o) ensure that any physical contact with others is appropriate to the situation and necessary for the person’s skill development
- p) refrain from intimate relations with persons over whom you have a position of authority
- q) agree to abide by the Codes
- r) maintain a duty of care towards others
- s) be impartial and accept the responsibility for all actions taken.

3.5.2 Code of Conduct for PPA in dealing with CYP

For clarity and emphasis regarding this Code of Conduct, PPA includes:

- any adult in SLS
- any CYP in SLS who is in a position of providing guidance and advice (authority) to other CYP or adults.

3.5.2.1 Positive guidance

CYP participating in SLS events, services, programs and activities should be made aware of the acceptable limits of their behaviour so that a positive experience can be provided for all Participants. There are times, however, when PPA may be required to use appropriate techniques and behaviour management

strategies to ensure:

- an effective and positive environment
- the safety and/or wellbeing of CYP or other SLS personnel.

PPA should use strategies that are fair, respectful and appropriate to the developmental stage of the Children or Young People involved. CYP need to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

3.5.2.2 Adhering to role boundaries

PPA should act within the confines of their duties at all times, subject to a direction by a relevant Senior Person.

With the exception of parents/carers of their own CYP and/or PPA who are expressly authorised by the relevant parents/carers of CYP to engage in specific activities with their CYP, PPA should not:

- provide unauthorised transportation
- engage in activities with CYP who are Members outside of authorised SLS services, programs, events or activities
- seek contact with CYP who are Members outside authorised SLS services, programs, events or activities
- accept an invitation to attend any private social function at the request of a CYP who has participated, or is participating, in authorised SLS services, programs, events or activities.

For the purpose of this provision, express authority should be specific authority for particular activities.

If any PPA become aware of a situation in which a CYP requires assistance that is beyond the confines of that person's role, or beyond the scope of the SLS Entity's usual service, they should at the earliest opportunity:

- refer the matter to an appropriate support agency, as well as to the relevant SLS Entity
- refer the CYP to an appropriate support agency
- contact the CYP's parent or guardian as appropriate (which may be undertaken in consultation with the relevant SLS Entity)
- seek advice from a Senior Person.

3.5.2.3. Uniform and identity card/pass/badge/WWCC

PPA other than parents/carers of CYP or Participants should have available their uniform or identification tag/badge/pass (where issued and/or available) only while involved in delivering services, programs, events or activities or as required by their role, such as when representing an SLS Entity at designated events and functions, or to and from that work.

3.5.2.4 Use of language and tone of voice

Language and tone of voice used in the presence of CYP should:

- provide clear direction, boost their confidence, encourage or affirm them
- not be harmful—therefore, avoid language that is intended to be, or is received or likely to be received by the individual it is directed at or any other person as:
 - o discriminatory, racist or sexist
 - o derogatory, belittling or negative, for example, by calling a CYP a 'loser' or telling them they are 'too fat'
 - o threatening or frightening
 - o profane or sexual.

Similar language and tone of voice should be used in all Member-to-Member transactions.

3.5.2.5 Supervision of CYP

PPA responsible for supervising CYP in relation to whom SLS Entities have a direct role in providing activities, events, programs and services must strive to ensure that those Participants:

- engage positively within the delivery of the service, program, event or facility
- behave appropriately towards one another
- are in a safe environment and are protected from external threats.

Except for the parents/carers of CYP, PPA are required to avoid unsupervised situations with CYP to whom we provide services, events, programs and/or activities and (where possible) to conduct all activities and/or discussions with service and program Participants in view of other PPA.

3.5.2.6 Use of electronic communications

Other than between CYP, wherever possible, social media messages (such as text, email, Facebook or Instagram) sent to a CYP by a PPA should be copied to their parent or carer.

Where a parent is not included in a communication that communication should:

- be restricted to issues directly associated with delivering services, activities or programs, such as advising that a scheduled SLS event (such as training) is cancelled
- limit personal or social content to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature
- not promote unauthorised social activity or arrange unauthorised contact
- not request a CYP to keep a communication a secret from their parents or carers
- not be delivered with CYP using internet chat rooms or similar forums such as social networking sites, game sites or instant messaging.

All PPA who deliver services, programs, events and activities are required to follow the 'acceptable use' policy in relation to browsing websites on SLS Entities' computers.

PPA are also required to ensure appropriate monitoring of CYP when they use relevant SLS Entities' electronic communication equipment to ensure that they do not inadvertently place themselves at risk of Abuse or exploitation via social networking sites, gaming sites or web searches, or through inappropriate email communication.

3.5.2.7 Giving gifts to CYP

Other than parents/carers of CYP giving gifts to their own child or children, the giving of gifts by PPA to CYP to whom services are provided is subject to:

- obtaining prior authorisation from a Senior Person permitted to authorise gift-giving from an SLS Entity
- parents or other responsible adults being made aware of any gift given.

3.5.2.8 Photographs of CYP

Subject to all relevant SLISA policies (including this Policy):

- CYP to whom a service is delivered are to be photographed while involved in a relevant SLS service, activity, event or facility only if:
 - prior approval has been granted by the relevant CYP or the parents/guardian of the relevant CYP and by the relevant SLS Entity
 - the context is directly related to participation in SLS
 - the CYP is appropriately dressed and posed
 - the image is taken in the presence of other PPA
- except in the case of CYP and/or their parents/carers distributing photos of themselves or their own children to each other or to others, images are not to be distributed (including an attachment to an email) to anyone outside PPA other than the child photographed or their parent/carers, without knowledge and approval of a Senior Person
- images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others, for example:

- o if in hard copy form, in a locked drawer or cabinet
 - o if in electronic form, in a password-protected folder
- images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required
- images are not to be exhibited on SLS Entities' websites without parental/carer knowledge and approval, or such images must be presented in a manner that de-identifies the CYP. Any caption or accompanying text may need to be checked so that it does not identify a CYP if such identification is potentially detrimental.

3.5.2.9 Physical contact with CYP

Any physical contact with CYP must be appropriate to the delivery of SLS services, events, programs or activities, such as when fitting sporting equipment like goggles, and appropriately correcting technique and based on the needs of the CYP (such as to assist or comfort a distressed young person) rather than on the needs of PPA.

Under no circumstances should any PPA have contact with CYP participating in a SLS service, program, activity or event that:

- involves touching:
 - o of genitals
 - o of buttocks
 - o of the breast area
 unless that is part of delivering medical or allied health services to which:
 - o the relevant PPA are qualified to deliver
 - o the relevant medical intervention has the express prior consent of the relevant CYP and the parents/guardians of the relevant CYP involved
- would appear to a reasonable observer to have a sexual connotation
- is intended to cause pain or distress to the CYP—for example corporal punishment
- is overly physical—as is, for example, wrestling, horseplay, tickling or other roughhousing
- is unnecessary—as is, for example, assisting with toileting when a CYP does not require assistance
- is initiated against the wishes of the CYP, except if such contact may be necessary to prevent injury to the CYP or to others, in which case:
 - o physical restraint should be a last resort
 - o the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the CYP to prevent harm to themselves or others
 - o the incident must be reported to a Senior Person as soon as possible
- PPA are required to report to a Senior Person any physical contact initiated by a CYP that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the CYP, PPA and any other Participants.

3.5.2.10 Sexual misconduct and relationships

Under no circumstances is any form of sexual behaviour to occur between, with, or in the presence of, CYP participating in any SLS environment. Engaging in sexual behaviour while participating in SLS services, events, programs or activities is prohibited even if the CYP involved may be above the legal age of consent.

'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution
- 'non-contact behaviour', such as flirting between adults and CYP, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

Consensual intimate relationships (whether or not of a sexual nature) between a PPA and an adult

Participant should where possible be avoided as they can have harmful effects on the Participant involved and on other Members and on our organisation's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the PPA and the Participant.

The PPA may wish to seek advice or support from the Member Protection Information Officer or equivalent if they feel harassed. The Reporting and Formal complaints procedure is outlined in APPENDIX C of this Policy.

3.5.2.11 Overnight stays and sleeping arrangements for CYP

Overnight stays are to occur only with the authorisation of appropriate SLS Entity Senior Persons and of the parents/carers of the CYP involved.

Practices and behaviour by PPA during an overnight stay must be consistent with the practices and behaviour expected during delivery of SLS services, programs, events and activities at other times.

Standards of conduct that must be observed by PPA during an overnight stay include but are not limited to:

- providing CYP with privacy when bathing and dressing
- observing appropriate dress standards when CYP are present—such as no exposure to adult nudity
- not allowing CYP to be exposed to pornographic material, for example, through movies, television, the internet or magazines
- not leaving CYP under the supervision or protection of unauthorised persons, such as hotel staff or friends
- not involving sleeping arrangements that may compromise the safety of CYP, such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a CYP unless authorised to do so by a relevant SLS Entity, as appropriate
- the right of CYP to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay
- parents expecting that their CYP can, if they wish, make contact.

3.5.2.12 Change room arrangements

Other than in the case of parents/carers of their CYP, PPA are required to supervise CYP in change rooms while balancing that requirement with a CYP'S right to privacy. In addition, PPA:

- should avoid one-on-one situations with CYP in a change room area
- are not permitted to use the change room area to, for example, undress, while CYP are present unless they are also competing in a SLS event or are participating in a SLS training environment
- need to ensure adequate supervision in public change rooms when they are used
- need to provide the level of supervision required for preventing Child Abuse by members of the public, adult service users, peer service users or general misbehaviour, while also respecting a child's privacy.

In addition, females should avoid entering male change rooms and males should avoid entering female change rooms in any circumstance (other than an emergency). If a female has to enter a male change room or a male has to enter a female change room, adequate supervision is required.

3.5.3 Other Member welfare matters and expectations

3.5.3.1 Use, possession or supply of alcohol or drugs

While on duty or carrying out their roles, a Member including but not only PPA must not:

- use, possess or be under the influence of an illegal or illicit drug
- use or be under the influence of alcohol
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs

- supply alcohol or drugs (including tobacco) to CYP participating in any SLS service, program, event or activity.

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with PPA's ability to care for CYP involved in SLS services, programs, events or activities.

Responsible service and consumption of alcohol should apply to any alcohol consumed. Responsible services might include ensuring that light alcohol and soft drinks always being available. Wherever possible, food might be made available to be consumed when alcohol is available, or transport policies may be adopted.

All SLS Entities must adhere to strict guidelines regarding the responsible service and consumption of alcohol and act in accordance with relevant liquor licence laws and regulations.

3.5.3.2 Transporting children

CYP are to be transported by PPA [other than by their parent(s)/carer(s)] only in circumstances that are directly related to the delivery of SLS services, events, programs or activities. For example, CYP should not be given casual lifts unrelated to SLS services, events or activities by PPA.

CYP are to be transported by PPA only with prior authorisation from a relevant SLS Entity Senior Person and from the CYP's parent/carers. Gaining approval involves providing information about the proposed journey, including:

- the form of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat
- the reason for the journey
- the route to be followed, including any stops or side trips
- details of anyone who will be present during the journey other than PPA.

3.5.3.3 Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in SLS should be removed. Any Discrimination or Harassment against pregnant women in SLS will not be tolerated.

All SLS Entities will take reasonable care to ensure the safety, health and wellbeing of pregnant women and their unborn children. Pregnant women are advised that there may be risks involved and are encouraged to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision-making about the extent to which they choose to participate in SLS activities.

All pregnant women are encouraged to talk with their medical advisers and make themselves aware of the facts about pregnancy and participating in SLS activities and ensure that they make informed decisions about their participation. Pregnant women will be required to sign a disclaimer only if all other participants are required to sign one in similar circumstances. Women will not be required to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against on the basis of her pregnancy by another person or organisation bound by this Policy, she may make a formal complaint.

3.5.3.4 Gender identity

SLS Entities are committed to providing a safe, fair and inclusive environment where people of all backgrounds can contribute and participate. People who identify as Transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

Any unlawful discrimination or harassment of a person who identifies as Transgender or transsexual or who is thought to be Transgender or transsexual will not be tolerated. If a Transgender or transsexual person feels he or she has been harassed or discriminated against on the basis of their gender identity by another person or organisation bound by this Policy, they may make a formal complaint.

Excluding Transgender and transsexual people from participating in events and activities has significant implications for their health, wellbeing and involvement in community life. In general, their participation in SLS on the basis of the gender with which they identify is supported.

It is recognised that there is debate over whether a male-to-female Transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, advice will be sought on the application of those laws in the particular circumstances.

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

3.5.3.5 Smoking

Smoking is now banned in many public spaces including parks and beaches in some states. SLS Entities do not allow Members to smoke while undertaking SLS duties and asks that Members refrain from the practice when engaged in official lifesaving events such as club meetings, carnivals, presentations and patrols.

All SLS Entities must adhere to relevant legislation and local government regulations in relation to smoking requirements.

3.5.3.6 Cyber Bullying

All SLS Entities regard Bullying and Harassment in all forms as unacceptable. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. No SLS Entity will tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, Bullying is a punishable criminal offence.

Frustration with a surf lifesaving member, person of authority or a SLS Entity should never be communicated on social networking websites. These issues should instead be addressed—in a written or verbal statement or a formal complaint—to the relevant SLS Entity.

3.5.3.7 Social networking websites

SLS Entities acknowledge the enormous value of social networking websites, such as Facebook and Twitter, to promote SLS and celebrate the achievements and success of the people involved in SLS. All people bound by this Policy must conduct themselves appropriately when using social networking sites to share information related to SLS.

Social media postings, blogs, status updates and tweets by Members:

- must not use offensive, provocative or hateful language or photographs/images
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote SLS in a positive way.

APPENDIX C—REPORTING AND FORMAL COMPLAINTS PROCEDURE

4.1 INDEPENDENT INVESTIGATION PROCEDURE

Any grievance relating to Child Abuse must be lodged as a report not a formal complaint. All other grievances must be lodged under the formal complaints procedure. For Formal complaints lodged under this Policy, the Involved Organisation may conduct its own internal investigation (Refer 4.1.1) into the circumstances surrounding the allegation(s). For any grievance involving a report of child abuse, the Police or external agency must be notified within 24 hours if the child is at risk of harm or an incident of serious or criminal nature. The Police or other external agency should be contacted for advice if there is any doubt about whether the report should be reported. It is not necessary for the person reporting the child abuse to know for sure if the child abuse is happening. Following an internal investigation into a formal complaint or report to establish the facts and the position of the parties to a formal complaint or report, the Involved Organisation may determine that it is appropriate to appoint an Investigator to review the circumstances of the formal complaint or report and conduct an independent investigation. Where an Investigator is appointed, the steps set out below should be followed.

Any internal or independent investigation process conducted must occur concurrently with any external organisation process, as long as the internal or independent investigation process is placed on hold should an external organisation request the Involved Organisation to do so. In conducting an independent investigation, the steps below should be followed.

4.1.1 Investigation

- a) The Involved Organisation will provide a written brief to the Investigator to ensure that the terms of engagement and scope of the Investigator's role and responsibilities are clear.
- b) The Complainant should be interviewed by the Investigator and the report or formal complaint and any key information arising from the interview(s) documented in writing by the Investigator. The Complainant is entitled to have a support person present during any interview that takes place, subject to the support person never being admitted as a lawyer or barrister.
- c) The key details of the report or formal complaint should be conveyed to the Respondent(s). The Respondent(s) must be given sufficient information to enable them to properly respond to the report or formal complaint.
- d) The Respondent(s) should be interviewed by the Investigator and given the opportunity to respond to the allegations. The Respondent's response to the report or formal complaint should be documented in writing by the Investigator. The Respondent is entitled to have a support person present during any interview, subject to the support person never having been admitted as a lawyer or barrister.
- e) If, in the process of the independent investigation, there continues to be a dispute regarding the facts, then statements from witnesses and other relevant evidence should be obtained (if possible) by the Investigator to assist in reaching conclusions and preparation of a report and recommendations.
- f) The Investigator must make a finding, on the balance of probabilities, as to whether the report or formal complaint, or each of the allegations in the report or formal complaint (as appropriate) is:
 - (i) substantiated (there is sufficient evidence to support the report or formal complaint)
 - (ii) inconclusive (there is insufficient evidence either way)
 - (iii) unsubstantiated (there is sufficient evidence to show that the report or formal complaint is unfounded or not enough evidence to substantiate the report or formal complaint)
 - (iv) mischievous, vexatious or knowingly untrue.

- g) A report documenting the formal complaint, the investigation process, evidence, finding(s) and, if requested, recommendations, should be given to the Involved Organisation which may, in consideration of the report of the Investigator, either:
 - (v) take disciplinary action against either the Respondent, Complainant or any other person/persons involved in the formal complaint in accordance with 'Sanction' below
 - (vi) refer the formal complaint to a Hearing Tribunal (which will take place in accordance with the Hearing Tribunal procedure (item 4.2 below)) to determine what, if any, further action to take
 - (vii) take no further action and close the formal complaint under this Policy.
- h) Within 14 days of the Involved Organisation receiving a report of an Investigator, a report (Report) must be provided to the Complainant(s) and the Respondent(s) that summarises the investigation process and documents key points that were found to be substantiated, inconclusive, unsubstantiated or mischievous. Where the Report relates to one or more Children or Young Persons, as either the Complainant or a witness, the Report may be redacted to the extent required to protect the identity of the Children or Young Persons. Each party to the formal complaint must be provided an opportunity to provide a written response to the Report, should they wish.
- i) All parties to the report or formal complaint receiving a copy of the Report of the Investigator must maintain strict confidentiality of the Report, other than where necessary to disclose the contents of the Report in order to obtain legal advice or as required by law. Any disclosure of the Report other than in accordance with this item (i) is a breach of this Policy and may result in disciplinary action being taken against the party making the disclosure.
- j) Subject to items 4.1.1(b) and (d), both the Complainant and the Respondent(s) are entitled to support throughout this process from their chosen support person/adviser.

4.1.2 Sanction

Where the Involved Organisation deems disciplinary action is required as a result of the independent investigation under item 4.1.1(g) (i), the steps detailed below must be followed.

The Involved Organisation must refer the report it receives under item 4.1.1(g) (i) to a disciplinary committee of the relevant Involved Organisation (Committee).

Prior to holding a meeting to consider the Report and any sanctions to be imposed as a result of the Report, the Committee must:

- a) provide the Complainant and Respondent(s) an opportunity to respond in writing to the Report
- b) notify each of the parties to the formal complaint or report that the Committee will be meeting to consider the formal complaint or report, and any disciplinary measures to be imposed as a result of the report or formal complaint being proved
- c) inform the Complainant and Respondent:
 1. that they are entitled to provide submissions and evidence to the Committee, either in writing, in person at the meeting or both
 2. that the Committee will make a decision based on all of the information before it
 3. that any disciplinary measures imposed by the Committee may only be appealed in accordance with the appeal procedure in item 4.3 below

4. that they are not entitled to be represented by a lawyer or barrister at the meeting
5. of the date, time and location of the Committee meeting at which the Report will be considered.

Once the Committee holds a meeting to consider the Report, and any evidence provided by the parties, it may impose any disciplinary measures available under this Policy.

4.2 HEARING TRIBUNAL PROCEDURE

Where an Involved Organisation refers a formal complaint or report under this Policy to a Hearing Tribunal under 4.1.1(g)(ii), the process set out in Section 5 of the SLSA regulations should be followed.

4.3 APPEAL PROCEDURE

The appeals process to be followed is set out in Section 5 of the SLSA regulations as varied by this procedure.

An appellant may appeal a decision arising from:

- a) an Independent Investigation that results in the imposition of a sanction
- b) a Hearing Tribunal
- c) an Involved Organisation's decision conducted or imposed under item 4.1.2.

An appeal is permitted only on one or more of the following grounds:

- a) the decision was affected by actual bias
- b) there was no material on which the decision could reasonably be based.

The Notice of Appeal must set out the ground(s) of appeal relied upon by the appellant and an outline of the appellant's submissions in relation to the appeal.

4.4 GRIEVANCE RESOLUTION PROCEDURE

Mediation is a process that allows the people involved in a grievance or more formal complaint to talk through the issues with an impartial person—the mediator—and work out a mutually agreeable solution. Mediations should be applied in the first instance to resolve any matter or grievance that does not involve a breach of rules or other matter attracting investigation or disciplinary action.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Mediation may occur either before or after an investigation of the formal complaint or report. Serious allegations should not be mediated, even if both parties would like to attempt mediation. Mediation may be recommended only if:

- a) both parties have had a chance to tell their version of events
- b) the Involved Organisation dealing with the grievance or formal complaint does not believe that any of the allegations warrant any form of disciplinary action
- c) mediation looks like it may work.

There are some situations where mediation will not be appropriate, including:

- a) when the people involved have completely different versions of the incident when one or both parties are unwilling to attempt mediation
- b) when the issues raised are sensitive in nature
- c) when there is a real or perceived power imbalance between the people involved
- d) matters that involve serious, proven allegations.

The Involved Organisation should, in consultation with the Complainant and the Respondent(s), appoint a mediator to help resolve the grievance or formal complaint. The Involved Organisation's choice of mediator will be final.

The mediator will talk with the Complainant and Respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed. The mediator may require the parties to sign a formal mediation agreement setting out the parties' agreement to the rules and process for the mediation. The parties involved must respect and comply with the terms of the agreement.

All issues raised during mediation will be treated confidentially. All SLS Entities respect the rights of the Complainant and the Respondent(s) to pursue an alternative process outside the SLS rules framework if the grievance or Formal complaint is not resolved.

For the avoidance of doubt, neither party is entitled to be represented by a legal practitioner at mediation.

At the end of a successful mediation the mediator will prepare a further document that sets out the agreement reached between the Complainant and Respondent(s) and they should sign it as their agreement. The parties involved must respect and comply with the terms of the agreement.

If the grievance or formal complaint is not resolved by mediation, the Complainant may:

- a) write to the Involved Organisation to request reconsideration of the grievance or formal complaint via either an independent investigation or a Hearing Tribunal. The Involved Organisation is not obliged to reconsider the grievance or Formal complaint. There is no right of appeal where the Involved Organisation determines not to reconsider the grievance or Formal complaint
- b) approach an external agency such as an anti-discrimination commission or equal opportunity commission to resolve the matter.

If a grievance or Formal complaint has not been resolved through the mediation procedure outlined above it shall be deemed concluded unless the grievance or Formal complaint is also a potential disciplinary or judiciary matter.

If a person lodges a grievance or Formal complaint under a State Centre Member Protection and/or Complaints Handling Policy they are not permitted to lodge the same grievance or Formal complaint or related grievance or complaint under these procedures in this SLSA Member Protection Policy. For the avoidance of doubt a grievance can be raised only under one policy or the other.

There is no right of appeal arising from this grievance procedure under this Policy or any State Centre policy.

APPENDIX D—DEFINITIONS

These definitions set out the meaning of words used in, or referenced by, this Policy (including all related Guidelines) without limiting the ordinary and natural meaning of the words.

Term	Definition
Abuse	Abuse means Physical Abuse, Emotional Abuse (including psychological abuse), Sexual Abuse and abuse of power that has caused, is causing or is likely to cause harm to a person's wellbeing or development. Examples of Abuse include but are not limited to, Bullying, humiliation, verbal abuse and insults, Grooming, Harassment (including Sexual Harassment), Discrimination, Neglect and Sexual Exploitation.
Appeals Tribunal	Appeals Tribunal means the panel created under the SLSA Regulations to handle an appeal under this Policy.
Appellant	Appellant means the person or organisation that initiates an Appeals Tribunal process.
Attachment or Appendix	Attachment means an attachment or Appendix to this Policy.
Branch(es)	A Branch means a Surf Life Saving body that is a Member of Surf Life Saving Queensland and Surf Life Saving New South Wales. Branches have agreed to adopt and abide by this Policy.
Bullying	Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying may take many forms that are often interrelated and can include: • verbal (name calling, put-downs, threats) • physical (hitting, punching, kicking, scratching, tripping, spitting) • social (ignoring, excluding, ostracising, alienating) • psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions). For the avoidance of doubt, Bullying includes Cyber Bullying, which can also have lasting and damaging consequences.
Case 1 Report	A Case 1 Report is an incidents, disclosure or observation that should be immediately escalated to SLSA. Case 1 Reports include: • Child Abuse • Sexual Misconduct • Serious Criminal Conduct.
CEO	CEO means the chief executive officer of SLSA or an SLS Entity, and includes the executive officer, general manager or other similar title. If the SLS Entity has no executive officer (for example, for Clubs or Branches) the CEO means the President of the organisation.
Child Abuse	Child Abuse is the mistreatment by an adult of a CYP that has harmed, is harming or is likely to harm or endanger or put at risk that CYP's physical or emotional health, development or wellbeing. For the avoidance of doubt, this includes but is not limited to emotional or psychological Abuse, Bullying, Grooming, Sexual Exploitation, Neglect and Child Harassment.
Child Harassment	Child Harassment is defined as any detrimental effect of a significant nature on the CYP's physical, psychological or emotional wellbeing. For Harassment to be significant, the detrimental effect on a CYP's wellbeing must be substantial or serious, more than transitory

Term	Definition
	and must be demonstrable in the CYP's presentation, functioning or behaviour.
Child or Young Person/Children or Young People (CYP)	A Child or Young Person (CYP) is a person under the age of eighteen years.
Child Protection Concern	A Child Protection Concern includes: - disclosures of actual harm, Abuse or exploitation of a CYP - the potential risk of harm, Abuse or exploitation of a CYP - breaches of the protection policies or Code of Conduct by staff or volunteers.
Club(s)	A Club means a Surf Life Saving club within Australia that is currently a Member of a Branch and/or a State Centre and therefore a Member of SLSA. Clubs have agreed to adopt and abide by this Policy.
Code(s) of Conduct (Codes)	The Code(s) of Conduct aim to identify and prevent behaviour that may be harmful to Members, Participants, CYP in SLS communities. The Code(s) of Conduct outline what is, and what is not, acceptable behaviour or practice when working with others (including other Members) or engaging with CYP.
Complainant	A Complainant is the person or persons making a Report or Formal complaint and includes a parent, guardian or adult representative of the CYP.
Delegated Organisation	Delegated Organisation means an organisation, such as a State Centre or a Branch, delegated by SLSA to handle a serious complaint.
Direct role in providing services, programs, events or activities to CYP	A direct role is considered one that has contact with CYP that is not incidental, but normally part of providing a service, program, event or activity for CYP. This direct delivery may require regular physical contact and forms of ongoing communication. For example, coaching.
Discrimination	Discrimination means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics include but are not limited to the following: - age - disability - marital status - parental or carer status - physical features - irrelevant medical record - irrelevant criminal record - political belief or activity - pregnancy - breastfeeding - race - religious belief or activity - sex or gender

Term	Definition
	- sexual orientation - trade union membership or activity - Transgender orientation. Discrimination also includes any other behaviour recognised by commonwealth, state or territory law as discrimination. Examples of Discrimination are available on the <i>Play by the Rules</i> website. Some exceptions to state and federal anti-discrimination law apply, including (but not limited to): - holding a competitive sporting activity for girls and boys who are under the age of 12 or of any age where strength, stamina or physique is relevant - not selecting a Participant if the person's disability means that he or she is not reasonably capable of performing the actions reasonably required for that particular activity.
Domestic Violence	Domestic Violence is Physical, Emotional or Psychological Abuse occurring in the home of a CYP, Member or Participant.
Emotional or Psychological Abuse	Emotional or Psychological Abuse occurs when a CYP does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse can also apply to an adult. Such abuse may involve repeated rejection or threats to a CYP. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. Specific to sport, overtraining can constitute Emotional or Psychological Abuse. These behaviours continue to an extent that results or has the potential to result in significant damage to the CYP's physical, intellectual or emotional wellbeing and development.
Family Violence	Family Violence is conduct, whether actual or threatened, by a person towards a member of the person's family (or towards the property of a member of the person's family) that causes any other member of the person's family to fear for, or to be apprehensive about, his or her personal wellbeing or safety.
Formal complaint	A Formal complaint is a complaint made to a PPA in writing. Where possible, it should set out: - the details or particulars of the complaint, including dates, times, persons, Clubs and PPA involved - the Complainant(s)' wishes as to how they would like the Formal complaint resolved - what outcome the Complainant is seeking.
Grooming	Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a child with a view to abusing them at some stage. There is no set pattern in relation to the Grooming of CYP. For some perpetrators, there will be a lengthy period of time before the abuse begins. The CYP may be given special attention and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a CYP in and abuse them relatively quickly. Some abusers do not groom CYP but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chat rooms, in social media or by other technological channels.

Term	Definition
Harassment	Harassment means any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening and that is reasonably likely to cause psychological harm to the person who is the subject of the Harassment. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Harassment includes Bullying. Unlawful Harassment includes the above but is either sexual or targets a person because of their race, gender, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under Discrimination). It does not matter whether the Harassment was intended: the focus is on the impact of the behaviour. As a guide, if someone finds behaviour or actions harassing, then it could be considered as Harassment. Harassment may be a single incident or repeated. It may be explicit, implicit, verbal or non-verbal and includes public acts of hatred.
Harm	Harm to a CYP or other person, is any detrimental effect of a significant nature to the CYP's or other person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by: • physical, psychological or emotional abuse or neglect • sexual abuse or exploitation • a single act, omission or circumstance • a series or combination of acts, omissions or circumstances.
Hearing Tribunal	Hearing Tribunal means the panel created to hear a Report or Formal complaint under this Policy.
Individual Member	Individual Member means any person who is an individual member of a Club, Branch or State Centre and therefore a member of SLISA.
Investigation Officer	Investigation Officer refers to a PPA that has been appointed by an SLS Entity to conduct initial investigations into a Report or Formal complaint.
Investigator	Investigator means the person appointed by an Involved Organisation to conduct an independent investigation.
Involved Organisation	Involved Organisation means the relevant organisation to receive a Report Formal complaint and may be any SLS Entity.
Mediator	Mediator means a person appointed to mediate a Report or Formal complaint made under this Policy, preferably with relevant skills, qualifications or training in mediation.
Member	A Member is an entity or individual who is recognised and/or registered as a member of an SLS Entity including SLISA and the State Centres.

Term	Definition
Member Protection Information Officer or MPIO	Member Protection Information Officer or MPIO means a person appointed by an SLS Entity as a contact for a person seeking assistance with a Report or Formal complaint of a possible breach of this Policy. The MPIO provides impartial information about policy, process and procedures to the person with the concern or the person who is alleging a breach of this Policy.
Natural Justice (or procedural fairness)	Natural Justice (or procedural fairness) is the principle that, when resolving a Report or Formal complaint: • both the Complainant and the Respondent must know the full details of what is being said against them • both the Complainant and the Respondent 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 breach of this Policy or offending behaviour.
Neglect	Neglect is the persistent failure or deliberate failure or denial to provide the child with the basic necessities of life. Such Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the CYP's health and development is, or is likely to be, significantly harmed. Categories of Neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of Neglect must be considered within the context of resources reasonably available.
Panel Member	Panel Member refers to a member of either a Hearing Tribunal panel or an Appeals Tribunal panel.
Participant	A Participant includes anyone who participates in an SLS service, event, activity or program, including people who may not be a Member. A Participant may be provided the service or program for free, yet is still under the care of PPA while participating.
Persons in Positions of Authority (PPA)	PPA include everyone who holds a position of authority in SLS, whether paid or unpaid, and includes, but is not limited to, all SLS Entity Individual Members. For the avoidance of doubt, PPA also includes CYP who may hold a position of authority in SLS over other CYP.
Physical Abuse	Physical Abuse occurs when a person subjects a CYP to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a CYP. Physically abusive behaviour includes, but is not limited to, shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful overtraining, and kicking. It also includes giving CYP harmful substances such as drugs, alcohol or poison. Certain types of punishment, while not causing injury, can also be considered Physical Abuse if they place a CYP at risk of Harm.
Police Check	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	Policy means the SLSA Member Protection Policy and includes the Attachments and Appendices to it.
Provisional Action	Provisional Action is action that may be taken by SLSA, a State Centre or a Delegated Organisation in relation to Report or Formal complaints. Provisional Action is action taken against an alleged perpetrator of an incident where the alleged incident is serious enough

Term	Definition
	to warrant such action being taken until the outcome(s) of the internal investigation, independent investigation or Hearing Tribunal is known. Provisional Action may include, but is not limited to, suspension, restriction of duties or temporary redeployment.
Report	A Report is an observation, incident or disclosure made to a PPA that may involve Child Abuse. Where possible, it should set out: - the details or particulars of the incident / disclosure or observation, including dates, times, persons, Clubs and PPA involved - the Complainant(s)' wishes as to how they would like the report resolved - what outcome the Complainant is seeking.
Respondent	Respondent means the person or organisation responding to the Report Formal complaint up to the point of a Hearing Tribunal. During an Appeals Tribunal process, the Respondent means the person responding to the appeal being initiated.
Senior Person	Senior Person means the President, CEO, Secretary or designated delegate of an SLS Entity, as applicable.
Serious Criminal Conduct	Serious Criminal Conduct means any of the following: - Sexual Offences - drug possession, use, sale or any other drug-related conduct - assault causing serious injury - any criminal conduct deemed serious enough to warrant escalation to SLSA by the Involved Organisation.
Sexual Abuse	Sexual Abuse occurs when an adult or a person of authority involves a CYP in any sexual activity. Perpetrators of Sexual Abuse take advantage of their power, authority or position over the CYP for their own benefit. It can include making sexual comments to a child, engaging CYP to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also Sexual Abuse. Engaging CYP to participate in sexual conversations over the internet is also considered Sexual Abuse.
Sexual Exploitation	Sexual Exploitation occurs when CYP are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet.
Sexual Harassment	Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature and 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 and displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment.
Sexual Misconduct	Sexual Misconduct means any of the following: - Sexual Offences - Sexual Harassment - the use of technology or social media platforms with sexual connotation.

Term	Definition
Sexual Offence	Sexual Offence means a criminal offence involving sexual activity or actions of indecency. Because of differences under state and territory laws, this can include but is not limited to: • rape • indecent assault • sexual assault • assault with intent to have sexual intercourse • incest • sexual penetration of a Child under the age of 16 • indecent act with a Child under the age of 16 • sexual relationship with a Child under the age of 16 • sexual offences against people with impaired mental functioning • abduction and detention • procuring sexual penetration by threats of fraud • procuring sexual penetration of a Child under the age of 16 • bestiality • soliciting acts of sexual penetration or indecent acts • promoting or engaging in acts of Child prostitution • obtaining benefits from Child prostitution • possession of Child pornography • publishing Child pornography and indecent articles.
SLSA	The national governing body for Surf Life Saving in Australia.
SLSA Child Protection Commitment Statement (CPCS)	The Commitment Statement in Appendix A to this Policy that defines the principles and procedures that are implemented to ensure that CYP who access an SLS program, service or facility are protected.
SLSA Constitution	SLSA Constitution means the constitution of SLSA as in force and amended from time to time.
State Centre(s)	State Centres are the Australian state and territory Surf Life Saving Entities. State Centres have agreed to adopt and abide by this Policy.
Surf Life Saving (SLS)	Surf Life Saving, whether educational, recreational or competitive.
Transgender	Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation. See www.humanrightscommission.vic.gov.au (Guideline: Transgender people and sport Complying with the Equal Opportunity Act 2010)
Victimisation	Victimisation means subjecting a person or threatening to subject a person to any detrimental or unfair treatment because that person has or intends to pursue their rights to make a Report or Formal complaint under law or under this Policy, or for supporting another person to make a Report or Formal complaint.

APPENDIX E—WORKING WITH CHILDREN CHECKS

All SLS Entities operate in and sometimes across a number of Australian jurisdictions. Each Australian jurisdiction has its own legislated screening schemes for undertaking checks to assess a person's suitability to work or interact with Children or Young People. Examples of this include WWCC or Blue Card checks.

Accordingly, but subject to relevant legislation and the relevant rules, human resources and/or employment processes adopted and implemented by a particular SLS Entity, recruitment procedures require that such checks be obtained for all applicants (including all applicants who are CYP) who are to be offered or have accepted a position with an SLS Entity that involves direct contact with or permits access to CYP. The relevant SLS Entity will direct the applicant to the relevant check that is required and in doing so will make clear which jurisdiction(s) the relevant check(s) is or are to be obtained.

The PPA that is responsible for recruiting must either verify with the appropriate WWCC or Blue Card authority or sight a copy of the applicable WWCC or Blue Card check documentation and record relevant details.

An SLS Entity will not employ a person who is deemed a prohibited person or returns a negative check based on WWCC or Blue Card check legislation in our jurisdictions. Further information regarding the operation of WWCC checks can be obtained from:

ACT Contact the Office of Regulatory Services Website: http://www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp Phone: 02 6207 3000	South Australia Contact the Department for Education and Child Development Website: www.families.sa.gov.au/childsaf e Phone: 08 8463 6468. National Police Check: www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check DCSI Child Related Work Screening: http://www.dcsi.sa.gov.au/services/screening
New South Wales Contact the Office of the Children's Guardian Website: www.kidsguardian.nsw.gov.au/check Phone: 02 9286 7276	Victoria Contact the Department of Justice Website: www.workingwithchildren.vic.gov.au v.au Phone: 1300 652 879
Northern Territory Contact the Northern Territory Screening Authority Website: www.workingwithchildren.nt.gov.au Phone: 1800 SAFE NT (1800 723 368)	Western Australia Contact the Department for Child Protection Website: www.checkwwc.wa.gov.au Phone: 1800 883 979
Queensland Contact the Public Safety Business Agency about the Blue Card system Website: www.ccypcg.qld.gov.au Phone: 1800 113 611	

APPENDIX F—NATIONAL CRIMINAL HISTORY RECORD CHECKS

An SLS Entity may at any time require a national criminal history record check. This might be required, for example, where a person may be exempt from a WWCC requirement, but it can also be an additional requirement imposed by an SLS Entity. Note that such checks are point in time only on the day the check is completed. If such record check is required, application forms are obtained from police in the relevant state or territory, or download forms from their website, as detailed below:

Australian Capital Territory Australian Federal Police Phone: 02 6202 3333 Web: www.afp.gov.au/business/criminal_police_checks.html	South Australia South Australia Police Phone: 08 8204 2455 Web: www.sapolice.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp
New South Wales New South Wales Police Phone: 02 8835 7888 Web: www.police.nsw.gov.au	Tasmania Tasmania Police Phone: 03 6230 2928, 02 6230 2929 or 03 6230 2243 Web: www.police.tas.gov.au/permits/criminal-history
Northern Territory Northern Territory Police Phone: 08 8922 3257 Web: www.pfes.nt.gov.au/	Victoria Victoria Police Phone: 03 9247 5907 Web: www.police.vic.gov.au/content.asp?Document_ID=274
Queensland Queensland Police Service Phone: 07 3364 6854 Web: www.police.qld.gov.au	Western Australia Western Australia Police Phone: 08 9268 7754 Web: www.police.wa.gov.au/OurServices/PoliceChecks

The date and certificate number of the police check must be recorded in the applicant's file. Subject to an SLS Entity's document and record keeping practices, a copy of the police check may be retained by an SLS Entity and kept on the applicant's file.

Whenever possible, no applicant is to be offered a position within an SLS Entity until after completion of their WWCC or national criminal history record check. When this is not possible, the person may be appointed contingent upon them receiving a satisfactory check. The person is to be subject to additional supervision until the check procedures are completed.

ATTACHMENT 1: MEMBER PROTECTION DECLARATION

An SLS Entity has a duty of care to all those associated with that Entity and to the individuals in that organisation to whom SLSA's Member Protection Policy applies. As a requirement of the Member Protection Policy, I acknowledge and agree that an SLS Entity must enquire into my background given I have undertaken, or will undertake, regular, unsupervised contact with Children or Young People.

I (name) of

..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to Children or Young People or acts of violence or narcotics.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence or narcotics.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that may be considered as constituting a risk to any SLS Entity's members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed.

Declared in the state/territory of

.....

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

Parent/guardian consent (in respect of a person under the age of 18 years)

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

Name:.....

Signature:.....

Date:.....

Surf Life Saving Australia Policy

Name:	REPORTING AND COMPLAINTS GUIDELINE
Issued:	October 2016

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REPORT AND COMPLAINTS GUIDELINES

1.0 INTRODUCTION

SLSA and Surf Life Saving (SLS) Entities strive to provide the best possible delivery of their SLS activities, programs, services and events. SLS Entities recognise that from time-to-time, issues may arise that require assistance or support to resolve.

Everyone involved in SLS is encouraged to voice concerns that they may have at any point regarding the safety, health, welfare, behaviour or conduct of Members, associated persons or organisations.

This Member Protection Complaints Procedure seeks to provide advice and guidance:

- (a) in addressing a disclosure, incident, observation or complaint, whether they relate to Children and Young People (CYP), Members, Participants or Persons in Positions of Authority (PPA); and
- (b) to potential Complainants and Members and PPA when dealing with a report or complaints.

2.0 COMMITMENT

All SLS Entities are committed to:

- addressing any legitimate report or complaint brought to its attention regarding the welfare, health and safety of all CYP, Members, PPA and/or Participants in SLS;
- dealing with all reports and complaints in a fair, timely and transparent manner, as appropriate;
- escalating a report or complaint as appropriate to ensure that appropriate PPA and Senior Persons are involved;
- considering the reasonable wishes of the complainant(s);
- providing communication on a regular basis as to the progress of the report or Complaint;
- clearly explaining the next steps and options to all parties involved in the Complaint at every step;
- maintaining appropriate confidentiality regarding Complaints, subject always to legal requirements regarding disclosure or if disclosure is necessary to deal with the Complaint;
- reporting any serious issues involving CYP to relevant authorities, in accordance with relevant State and Territory legislation;
- ensuring that the principles of natural justice and procedural fairness are followed when dealing with Complaints; and
- maintaining appropriate records of Complaints in a safe and confidential manner.

3.0 PRINCIPLES

These Guidelines follow the principles set out below. If there is any uncertainty regarding how to deal with a Report or Complaint, please consider these principles in taking an appropriate course of action:

- a) all matters involving one or more of Child Abuse or Serious Criminal Conduct should immediately be referred to SLSA and/or the relevant State Centre and Police or the appropriate external agencies by Members, Participants and/or Persons in Positions of Authority. Such incidents are Case 1 Incidents – refer Table A;
- b) with the exception of Case 1 Incidents, where possible, Complaints should be dealt with as soon as practical after they become known and at Club or Branch level to minimise:
 - harm to CYP;
 - distress to complainants and those against whom allegations are made; and
 - time taken by SLS Entities to resolve Complaints;
- c) always involve appropriately skilled PPA to work through a Report or Complaint consistently with mandatory reporting requirements;

- d) PPA should consult other PPA at a more senior level than them when resolving contentious Reports or Complaints;
- e) If there is uncertainty as to how to deal with a Report or Complaint, always discuss that Report or Complaint with your Club, Branch, State Centre or SLSA, as appropriate; and
- f) Use the tools and templates provided in this Policy to record actions when resolving Reports or Complaints and keep these records private and confidential.

4.0 RECORD KEEPING AND SHARING

All SLS Entities must keep records of all Complaints in keeping with the templates in Attachment B for a minimum of 3 years. For all Case 1 Reports, records must be maintained for a minimum of 7 years as per Attachment A.

Records must be maintained in a secure and confidential place – preferably both in electronic and hard copy (if any) versions. All Clubs, Branches and State Centres must share records with SLSA and provide those records upon request. All SLS Entities (Clubs, Branches, State Centres and SLSA) must keep a register of Reports and Complaints that is updated quarterly at a minimum. The register must be in the form set out in Attachment A and B.

5.0 REPORTS REGARDING CYP

Reports regarding the safety, health or wellbeing of CYP will be treated by SLSA and/or the relevant State Centre as a high priority. This is because CYP are more vulnerable and need to be safeguarded and protected by all.

Where a disclosure, observation or incident arises regarding CYP in SLS, it may be necessary for SLSA and/or the relevant State Centre and their respective PPA to take very particular steps, such as reporting incidents to authorities. For that reason, Reports regarding CYP should be addressed in accordance with Appendix C of the Member Protection Policy.

6.0 WHO CAN MAKE A REPORT OR COMPLAINT?

Report or Complaints may be made by:

- Members of SLSA;
- (non-Member) SLS participants;
- PPA;
- other organisations; or
- any person in the general community who has concerns about a person or their behaviour or conduct in SLS.

7.0 WHAT CAN REPORT OR COMPLAINTS BE ABOUT?

Report or Complaints may be about an act, behaviour, observation, incident, conduct, omission, situation or decision that is in breach of SLSA's MPP. It may be about:

- a CYP or an adult;
- a group or organisation;
- a single incident or a series of incidents;
- a seemingly minor issue or a very serious issue, such as Harm to a CYP;
- a breach of SLS' Child Protection Commitment Statement (CPCS); or
- a breach by a Member or PPA of the Code(s) of Conduct (Codes).

8.0 COMPLAINTS FROM OTHER ORGANISATIONS

SLSA will work collaboratively, respectfully and ethically with all other sporting, community service and business organisations in respect to any Complaints made in regard to SLS or any SLS Entity or Member.

9.0 INITIAL STAGES OF A REPORT OR COMPLAINT

Any incident, disclosure or observation relating to Child Abuse must be lodged as a report not a formal complaint. All other incidents must be lodged under the formal complaints procedure.

Most Complaints should be dealt with initially at Club or Branch level. There may however be some situations in which it is more appropriate to raise a Report or Complaint initially with the relevant State Centre first rather than at Club or Branch level. For example, if there is a Complaint regarding a Club decision or action or an incident at a State event that may be regarded as a possible breach of the SLSA MPP.

To ensure that Report or Complaint is dealt with by the appropriate SLS Entity and that there is an available escalation process if necessary, Report or Complaints should be dealt with by the organisations listed at Table A.

State Centres and/or SLSA may also, at their discretion, refer a Report or Complaint received back to Club or Branch level, should that be appropriate. A Report or Complaint may also be dismissed if they are considered vexatious or unsubstantiated. Every Report and Complaint will be treated on its own facts and circumstances and therefore may be treated differently.

Table A - Incident Categorisation

Case	Incident/Allegation Type	Initial Contact/Referral
Case 1	- All Child Abuse matters and allegations Sexual Misconduct or Serious Criminal Conduct - Escalation point for Case 2 Incidents - Case 1 Appeals	SLSA and/or State Centre
Case 2	- State-related complaints or inter-club matters not involving Child Abuse - Escalation point for Case 3 Incidents	State Centre
Case 3	General complaints including bullying, harassment, dissatisfaction with decisions or interactions not involving Child Abuse	Club or Branch

Note – for Case 1 Incidents, SLSA or relevant State Centre may take Provisional Action

PART A – CASE 1 REPORTS – SUMMARY OF STEPS TO RESOLVE REPORT

The steps that can be taken to resolve a report when a Member, Participant or PPA of Authority has concerns about a breach of the SLSA MPP are listed below.

Case 1 Reports

Making a Report

Step 1 - Complainant tells a PPA about their Report.

Step 2 - PPA talks to Complainant and identifies facts, records, explains next steps and reports to Senior Person.

If immediate threat of harm or mandatory reporting scenario, PPA and/or Senior Person report to police and/or external agency.

Step 3 - Senior Person documents Report using relevant Templates in Appendix G.

If the incident has not already been reported to Police and/or external agency, Senior Person reports incident

Step 4 - Senior Person reports incident, observation or disclosure to relevant State Centre and/or SLSA.

Step 5 - State Centre and/or SLSA reports to relevant external authority.

Investigating Report

Step 6 - State Centre and/or SLSA conducts internal investigation of the Report unless otherwise requested by external agency.

Provisional Action taken if required

Step 7 - SLSA and/or State Centre determines whether to delegate the Report to a Delegated Organisation.

Step 8 - (IF RELEVANT) Delegated Organisation conducts internal investigation of the Report.

Provisional Action taken if required

Step 9 - (IF RELEVANT) Provisional Action taken (if required and not already taken).

Determining Report

Step 10 - Involved Organisation evaluates next steps and determines whether to:

- (a) make decision and impose disciplinary measures; or
- (b) refer the report to Independent Investigation; or
- (c) refer the report to Hearing Tribunal; or
- (d) dismiss and close the report.

Relevant process selected by the Involved Organisation is undertaken.

Step 11 - Decision made and disciplinary measures (if required) imposed as a result of the chosen Step 10 process.

Step 12 - Appeal (if available, allowable and/or deemed valid) may be lodged in relation to decision. Subsequently the appeal is heard, (if relevant) new decision made and (if relevant) new disciplinary measures (if required) imposed.

Step 13 - Record of Report finalised. SLISA and/or State Centre and Involved Organisation notified of outcome of the Report. Report closed.

PART B – GUIDELINES FOR EACH STEP – CASE 1 REPORTS

Step 1 - Complainant tells PPA

If any person involved in SLS has legitimate concerns about a breach of the SLSA MPP, they are encouraged to seek out a PPA to tell them about their concerns. This may be a coach, official, volunteer or employee of a Club, Branch, State Centre or SLSA. Wherever possible, please provide to that person details about:

- a) who was involved (alleged perpetrator & victim, as well as witnesses, including any known contact details);
- b) if CYP were involved, the details of the CYP's age and parent/guardian details;
- c) what was observed or heard;
- d) when the concerning incident, behaviour or conduct occurred and when it was observed;
- e) where the concerning incident, behaviour or conduct occurred;
- f) why the incident (i.e., injuries, others at risk of harm) is of concern and what are its potential impacts; and
- g) if known, what outcomes are sought?

Refer to the Case 1 Report Record template in Attachment A to assist.

To help documenting a report, think of this initial guidance as the “who, what, when, where, why, what next?” This is also helpful for those who are responding to the Report.

Depending on the nature of the Report, once the initial contact is made and it is known what the Complainant would like to occur next, there are two options:

- h) talk to a PPA who can guide you/the Complainant as to next steps; and/or
- i) depending on the nature and seriousness of the Report, formalise the Report to your Club, Branch, State Centre or SLSA, as appropriate, based on the incident categorisation.

Step 2 - PPA talks to Complainant

Regardless of whether you are a Member, Participant or a PPA, all Complaints should be treated seriously and without judgment. Everyone has a role to play to ensure that appropriate steps are taken and in a sensitive and non-judgmental way.

There are certain circumstances that make it inappropriate for a particular PPA to speak to a Complainant about a Report, irrespective of whether the Complainant specifically informed that PPA of their Report. In the following circumstances, it may be appropriate for another PPA, or a Senior Person, to talk to the Complainant once a Report is lodged:

- a) where the PPA has had personal involvement in the circumstances giving rise to the Report;
- b) where the Complainant does not wish to discuss the Report further with that particular PPA;
- c) where there is a significant (actual or perceived) power imbalance between the PPA and the Complainant; or
- d) where the PPA shares another relationship with the Complainant outside the SLS context, including immediate or extended family members.

Where any of the circumstances in (a) - (d) above arise, it may be appropriate for a different PPA to talk with the Complainant, **unless the Complainant specifically requests, or will only speak to, that particular PPA.**

Where a PPA or Senior Person is talking to a Complainant about a Report, remember to:

- e) talk to the Complainant calmly and without judgment or opinion;
- f) ensure that the conversation is occurring in a private and safe environment;
- g) ask non-leading questions to establish what the Complainant's concerns are. This can be in

the form of the questions set out at Step 1 [(a)-(g) – who, what when, where, why, what next?];

- h) if appropriate (for example, the issue is minor, easily resolved and no person is in danger) take steps to resolve the Report at that time;
- i) if the person receiving details of the Report is not a SLS employee, official or coach and the Report is not easily resolved, seek out a SLS employee, official or coach and tell them what you and/or the Complainant know about the Report; and
- j) take notes or record the details regarding the Report.

Depending on the nature of the Report being made regarding a CYP (or CYPs), certain steps must be taken. These steps should be taken immediately or within 24 hours of becoming aware of a Report where a CYP is at risk of potential or future Harm.

The initial response is crucial to the well-being of the CYP. It is important for the person receiving the information to:

- k) listen to, be supportive and do not dispute what the Complainant says;
- l) reassure the CYP and let them know that what has occurred is not their fault;
- m) ensure that the CYP is safe;
- n) remain calm and do not express shock, panic or disbelief;
- o) be honest and explain that other people may need to be told in order to stop what is happening;
- p) ensure that what the CYP says is quite clear but do not elicit detailed information about the Abuse. Use objective, non-leading and non-suggestive questions that don't put words into the CYP's mouth as much as possible; and
- q) make written notes during or as soon as possible after the discussion.

In all circumstances where PPA are aware of information about any Report concerning Abuse of a CYP, they will not discuss it with anyone other than their relevant Senior People. They may be required to discuss their allegations with Police as directed.

Once details of the Report have been established the relevant PPA must:

- r) discuss their concerns with their immediate Senior Person or another Senior Person who is available; and
- s) collaborate with the Senior Person to develop a plan that aims to address the concerns regarding the particular CYP.

No discussion should occur with the CYP's parents/carers or other family member/s until the plan has been developed and authorised by the Senior Person.

Step 3 - Senior Person documents using Templates

Once an observation, disclosure or incident is reported to a Senior Person under Step 2, the Senior Person must:

- a) ensure that all relevant information is recorded regarding the Report (see Attachment A) and in relation to the outcomes of decision-making; and
- b) ensure that all allegations of Sexual Abuse of a CYP are reported to police (see Mandatory Reporting).

When completing the Recording Template, the Senior Person should include as much information as possible in response to the specific questions at Steps 1(a) - (g) above. The inclusion of as much information as possible in the Recording Template makes it easier for the relevant SLS Entity or Delegated Organisation to investigate and action the Report.

Recording Templates for Case 1 Reports must be retained in a safe and secure location for 7 years after the incident, to ensure a copy is available for the duration of relevant limitations of liability period under the law.

Refer to Section 4.0 **Error! Reference source not found.** for more information regarding record-keeping.

Step 4 - Senior Person reports to SLSA and/or relevant State Centre

Once a Report is documented by the Senior Person, the Senior Person must report the incident to SLSA and/or the relevant State Centre. In reporting the incident, the Senior Person must provide the following information:

- a) the Recording Template in full;
- b) any materials lodged by the Complainant in relation to the Report;
- c) any transcripts or notes taken by the PPA or Senior Person when dealing with the Complainant;
- d) the record of any communications between representatives of the Involved Organisation and the Complainant in relation to the Report; and
- e) any other information requested by SLSA and/or the relevant State Centre.

The Senior Person must report a Case 1 Report to the **CEO** of SLSA and/or the relevant State / Territory Centre CEO.

Mandatory reporting

There are certain circumstances where individuals will be legally required to report an observation, disclosure or incident that they receive to the relevant external authority.

'Mandatory reporting' refers to legislative requirements imposed on specific classes of persons to report suspected cases of Child Abuse and Neglect to government authorities. Mandatory reporting laws exist in each State and Territory of Australia.

Child Protection Concerns are defined as including:

- a) disclosures of actual harm, abuse or exploitation of a child;
- b) the potential risk of harm, abuse or exploitation of a child; or
- c) breaches of the protection policies or Code of Conduct by staff (as relevant) or volunteers.

The 'state of mind' requirement and 'extent of harm' requirements differ between each jurisdiction in Australia, however generally involve a specified class of person reasonably believing that a CYP is at risk of significant detriment caused by Child Abuse. The specified class of persons generally include teachers, registered health practitioners, police and welfare-related officers. However mandatory reporting laws are much broader in certain jurisdictions, including in the Northern Territory where they apply to all adults.

You do not have to provide that the Abuse or breach of the relevant Code of Conduct is happening. It is not the PPA's job to investigate Child Abuse. The relevant PPA, Senior Person or Investigation Officer must report a Child Protection Concern if they form a reasonable belief that it is occurring or is at risk of occurring. A reasonable belief is defined as an inclination to believe something rather than not believe something. Such a person should trust their judgement, and never ignore their concerns.

The persons referred to above **must** notify a Senior Person of any Child Protection Concerns.

Depending on:

- d) the jurisdiction within which the PPA to which a Report is lodged is located;
- e) the employment of the PPA to which a Report is lodged; and
- f) the specific allegations contained within a Case 1 Report.

Certain PPA and/or Senior Persons dealing with a Case 1 Report may also be required by law to mandatorily report the incident to an external authority.

The following individuals are likely to be required to mandatorily report a Case 1 Report involving Child Abuse to the relevant external authority under the mandatory reporting laws:

- g) any person over the age of 18 in the Northern Territory;
- h) any employee or volunteer of an Involved Organisation that assists in the provision of SLS - related services in South Australia;

- i) any person who holds a reasonable belief that a CYP in Victoria has been sexually abused; and
- j) any volunteer who in their fulltime employment falls within a class of employee that is a mandatory reporter in that jurisdiction.

To determine whether any specific PPA, Senior Person or Investigation Officer falls under mandatory reporting laws, please refer to the Australian Government's *Child, Family, Community Australia* website below, which provides an outline of who must report, and in what circumstances they must report, in each jurisdiction.

<https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>

IMPORTANT NOTE: If an individual receives a Case 1 Report and is classified as a mandatory reporter in their relevant jurisdiction, and holds the relevant belief regarding the risk of harm to the CYP, the individual is **personally legally responsible** for reporting their belief to the relevant external authority. If any individual within this Policy requires assistance in determining whether they should report a Case 1 Report, they should immediately speak to a Senior Person.

Contact the government department in the relevant State or Territory to find out about relevant mandatory reporting legislation in the jurisdiction as per below.

Australian Capital Territory: Office for Children, Youth and Families http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect	South Australia: Department for Families and Communities http://www.families.sa.gov.au/pages/protectingchildren/ReportingChildAbuse
New South Wales: Department of Family and Community Services http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/reporting-suspected-abuse-or-neglect	Tasmania: Department of Health & Human Services http://www.dhhs.tas.gov.au/children/child_protection_services
Northern Territory: Office of Children and Families https://nt.gov.au/emergency/child-safety/protect-your-child-from-sexual-abuse/introduction	Victoria: Department of Human Services http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection
Queensland: Department of Communities, Child Safety and Disability http://www.communities.qld.gov.au/childsafety/protecting-children/reporting-child-abuse	Western Australia: Department for Child Protection http://mandatoryreporting.dcp.wa.gov.au/Pages/Home.aspx

Step 5 - SLS reports to relevant external authority

Once a disclosure, observation or incident is reported to SLISA and/or the relevant State Centre under Step 4, the relevant Senior Person within SLISA or that State Centre that is dealing with the Report must:

- a) determine whether or not the concerns should be reported to the relevant child protection authority or police. If the PPA strongly disagrees with a decision not to report, he/she maintains the right to report the matter to the relevant child protection authority or police. In this event, it is expected that the report will occur jointly with the Senior Person. See Mandatory Reporting for further information;
- b) if a report is made to the relevant child protection authority or the police, determine who,

when and what will be communicated to the relevant child protection authority or police.

- c) in conjunction with the PPA, determine whether or not the decision to notify the relevant protection authority is communicated to the CYP's parents/carers. As a principle, parents/carers of CYP will be informed of and be involved in the process of the decision to make a notification to the relevant child protection authority unless doing so jeopardises the CYP's safety or the safety of any other person;
- d) if a report is not made to the relevant child protection authority, SLSA or the State Centre will develop and document a plan that will offer an appropriate range of support to the Child and their family to address the concerns;
- e) establish a plan to offer support and counselling as required to the CYP who has been allegedly assaulted and his/her family, where appropriate;
- f) establish a plan to offer support and debriefing to other relevant PPA about the incident as soon as practicable;
- g) once informed of the allegations, provide the alleged perpetrator with access to counselling and support as organised by the relevant Senior People, as appropriate;
- h) set a review date to evaluate any changes arising from the support offered to the family of the CYP. At any stage, additional concerns about the CYP will be addressed. The Senior Person may escalate the extent of intervention provided to the Child or Young Person and family if the concerns for the CYP's safety increase; and
- i) no communication will take place with the alleged perpetrator against whom the allegations have been made. Police will determine the procedure for communicating with the CYP, their parents or carers and the PPA against whom the allegations have been made.

All PPA who are aware of this information will not discuss it with anyone other than their relevant Senior Person. They may be required to discuss their allegations with police as legally required.

Steps 6 & 8- SLSA, State Centre or Delegated Organisation conduct internal investigation

Natural Justice requires that each person that is a party to the Report is informed about the allegations and has an opportunity to respond to them.

When investigating a Report, the Investigation Officer within SLSA, the relevant State Centre or other Delegated Organisation should:

- a) connect with the Complainant(s) on behalf of the appropriate Involved Organisation responding to and investigating the Report;
- b) connect with the Respondent(s) against whom the allegation refers at an appropriate time and give the Respondent an opportunity to:
 - i. hear the allegation(s) against him/her/it in full;
 - ii. explain or respond to the allegation(s), either orally, in writing or both;
 - iii. identify any witnesses and supporting evidence in favour of the Respondent;
 - iv. invite a support person or advisor, who must not be qualified as a lawyer or barrister, to attend any meeting with the person investigating; and
 - v. be provided support (for example, professional counselling) if necessary;
- c) obtain a signed statement and record of interview from the Respondent;
- d) make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how); and
- e) obtain other information that could assist in making a decision on the allegation.

If the alleged offender is an employee, participant, coach or official within SLS, the Investigation Officer will:

- f) convene separate meetings with the parties (as appropriate) and discuss the outcomes of the investigation; and
- g) determine and implement a plan for managing feedback and counselling to the parties as appropriate.

If the parent/carer is not satisfied with the outcome of the investigation, the parent/carer can request the Involved Organisation to re-open the matter or raise their concerns with SLSA or the relevant State Centre.

Step 7 - SLSA may delegate to a Delegated Organisation

Under this Policy, SLSA retains the right at its absolute discretion to delegate the handling of a Report to a Delegated Organisation.

When considering whether to delegate a Report, SLSA may consider the following:

- a) the seriousness of the allegations contained in the Report;
- b) who the relevant Involved Organisation is; and
- c) whether SLSA is the best organisation to handle the Report.

Step 8 - Provisional Action (if required)

Provisional Action is defined as action that may be taken by SLSA, a State Centre or a Delegated Organisation (in relation to Case 1 Reports).

Provisional Action is action taken against a Respondent to Case 1 Reports where the alleged incident is serious enough to warrant such action being taken until the outcome(s) of the internal investigation, Independent Investigation or Hearing Tribunal is known.

Provisional Action may include, but is not limited to:

- a) suspension, restriction of duties or temporary re-deployment; or
- b) suspension or restriction of rights, privileges and benefits.

In all circumstances in which Case 1 Reports are reported to SLSA, the relevant State Centre or any relevant external authorities, SLSA reserves the right in its sole discretion to recommend that the activities undertaken by the Respondent are revised and amended as necessary to minimise risk.

Involved Organisations should be mindful of any contractual or employment issues arising where the Involved Organisation is contemplating Provisional Action. For instance:

- c) the contract governing a service provider's obligations to an Involved Organisation; or
- d) an individual's employment contract with an Involved Organisation;

may have an impact on what type of Provisional Action may be legally taken by an Involved Organisation.

IMPORTANT NOTE: Where the livelihood of a Respondent to a Report is likely to be adversely impacted by any disciplinary measures imposed, including Provisional Action such as a suspension, special care must be taken before imposing any such Provisional Action. An Involved Organisation should seek legal advice prior to imposing Provisional Action in those circumstances.

Where a Respondent to a Case 1 Report is either an independent contractor providing services to an Involved Organisation, or an employee of an Involved Organisation, or has a livelihood that would likely be impacted by any disciplinary measures, it is strongly recommended that the Involved Organisation seeks legal advice prior to imposing any Provisional Action.

Step 9 - Evaluating Next Steps

After completing the internal investigation under Step 6, SLSA, a State Centre or a Delegated Organisation must determine what action is taken next, namely:

- a) dismissing and closing the Report where no further action is required, or no longer sought by the Complainant;

- b) making a decision and imposing disciplinary measures (if required) in response to the internal investigation of the Report (see Step 6 or 8);
- c) referring the Report to an Independent Investigation; or
- d) referring the Report to a Hearing Tribunal.

When evaluating which process to undertake in relation to any specific Report, the following table provides guidance as to when each process may be the most beneficial.

Table B - Processes for resolving Reports

Case	When to use
Involved Organisation makes decision	- Complainant and Respondent are both CYP - There is no dispute as to the facts - Report is at the minor end of the Case 1 Report scale
Independent Investigation	- There are major inconsistencies between each party's version of events - Involved Organisation has not been able to sufficiently establish what occurred through internal investigation - Complainant is not comfortable appearing in the same room as the Respondent at a Hearing Tribunal
Hearing Tribunal	- Respondent is an employee or independent contractor of the Involved Organisation - Respondent's livelihood will be impacted by any adverse finding or disciplinary measures - There are only minor inconsistencies between each party's version of events, or only a small number of facts are disputed

Step 10 - Report resolution procedure

The relevant procedure that must be followed for an Independent Investigation or Hearing Tribunal under this Policy are outlined at:

- a) SLSA MPP (Independent Investigations); and
- b) SLSA MPP (Hearing Tribunals).

SLSA, a State Centre or a Delegated Organisation may proceed straight to Step 11 after completing Step 6 (or 8 for a Delegated Organisation).

As outlined at "Evaluating Next Steps" above, it may be beneficial for the Involved Organisation to make a decision and impose disciplinary measures (if required) at the completion of Step 6/8 where:

- c) both the Complainant and Respondent are CYP;
- d) there is no dispute as to the facts of the Report; or
- e) the Report is at the minor end of the Case 1 Report scale.

Where an Involved Organisation decides to make a decision and impose disciplinary measures (if required) after the completion of Step 6/8, the following should have occurred to satisfy the requirements of Natural Justice:

- f) the Respondent was made aware of the specific allegations against him/her/it and the identity of the Complainant;
- g) the Respondent was provided the opportunity to respond to the specific allegations within the Report, either in writing or in person; and
- h) the Respondent was afforded the opportunity to have a support person, who must not be a

lawyer or barrister, present at any meeting or interview with a representative of the Involved Organisation.

The Respondent is also granted a right of appeal from any decision and disciplinary measures imposed by an Involved Organisation in response to a Report (see Step 12).

Step 11 - Decision and/or discipline

Under Appendix C Section 4.1.2 of the SLSA MPP, an Involved Organisation may impose a variety of disciplinary measures against a Respondent (whether an individual or organisation) who has breached the SLSA MPP.

The form of disciplinary measures to be imposed on an individual or organisation should depend on factors such as:

- a) the nature and seriousness of the behaviour or incidents;
- b) in a case where action is taken concurrently with or in lieu of a resolution of a Report, the wishes of the Complainant;
- c) if the Respondent knew or should have known that the behaviour was a breach of the MPP;
- d) level of contrition of the Respondent;
- e) the effect of the proposed disciplinary measures on the Respondent including any personal, professional or financial consequences;
- f) if there have been relevant prior warnings or disciplinary action; or
- g) if there are any mitigating circumstances such that the Respondent should not be disciplined at all or not disciplined so seriously.

Step 12 - Appeal

Please note an appeal may not be available. Please carefully consider the relevant section of the MPP and SLSA's disciplinary regulations.

Once a decision is made and disciplinary measures imposed (if required) in response to a Report, whether through the Involved Organisation itself, a disciplinary committee after considering an Independent Investigation or a Hearing Tribunal, a Respondent may be entitled to lodge an appeal.

If an appeal from such a decision is available it must be made in accordance with the procedures in the MPP and the SLSA Regulations.

Where an appeal is available and an appeal has been properly lodged, the Appellant (who may be the original Complainant or the original Respondent) is required to submit a Notice of Appeal to the CEO of the Involved Organisation which will hear the Appeal (see Table A).

The Chairperson of the Appeal Tribunal will consider whether the appeal is valid. The validity of an appeal is based on:

- a) whether the appeal refers to one or both of the grounds of appeal outlined in the Appeal Procedure; and
- b) there are sufficient grounds for the appeal to proceed.

The Appeal Tribunal is convened, held and makes its decision based on the Appeal Procedure in the MPP and the SLSA Regulations.

Step 13 - Record, notify and finalise

All SLS Entities must keep records of all Case 1 Reports for a minimum of 7 years.

Records must be maintained in a secure and confidential place – preferably both in electronic and hard copy (if any) versions.

State Centres and SLSA must keep a register of Reports that should be updated quarterly at a minimum. The register must be in the form set out at Attachment A.

When recording details at the finalisation of a Report, the Senior Person must:

- c) file all materials lodged by each party to the Report;
- d) document the decision made with respect to the Report;
- e) document any disciplinary measures arising out of the Report; and
- f) record any additional outcomes of the Report.

The relevant Involved Organisation must:

- g) where it is a Club or Branch, notify its State Centre; or
- h) where it is a State Centre, SLSA;

as soon as possible after the Report is resolved. The Involved Organisation must notify the appropriate person within the organisation outlined at (g) or (h) above.

PART F – SUMMARY OF STEPS TO RESOLVE COMPLAINTS – CASE 2 AND 3 COMPLAINTS

Case 2/3 Complaints

Reporting Complaint

- Step 1 -** Complainant tells a PPA about their Complaint.
- Step 2 -** PPA talks to Complainant and identifies facts, records, explains next steps and reports to Senior Person.
- Step 3 -** Senior Person documents Complaint using relevant Templates.

Investigating Complaint

- Step 4 -** Involved Organisation conducts internal investigation of Complaint.
- Step 5 -** Provisional Action taken if required and deemed appropriate.

Determining Complaint

- Step 6 -** Involved Organisation evaluates next steps and determines whether to:
- (a) dismiss and close the Complaint;
 - (b) make decision and impose disciplinary measures;
 - (c) refer Complaint to Mediation;
 - (d) refer Complaint to Independent Investigation; or
 - (e) refer Complaint to Hearing Tribunal.

Relevant process selected by the Involved Organisation is undertaken.

- Step 7 -** Decision made and disciplinary measures (if required) imposed as a result of the relevant Step 6 process.
- Step 8 -** Appeal (if available and deemed valid) may be lodged in relation to decision. Subsequently if an appeal is available and has been lodged it will be heard.
- Step 9 -** Record of Complaint finalised. SLSA and Involved Organisation notified of outcome of Complaint. Complaint closed.

PART G – GUIDELINES FOR EACH STEP – CASE 2 AND 3 COMPLAINTS

Step 1 - Complainant tells PPA

If any person involved in SLS has concerns about a breach of the SLSA MPP, they are encouraged to seek out a PPA to tell them about their concerns. This may be a coach, official, volunteer or employee of a Club, Branch, State Centre or SLSA. Wherever possible, please provide to that person details about:

- a) who was involved (alleged perpetrator & victim, as well as witnesses, including any known contact details);
- b) if CYP were involved, the details of the CYP's age and parent/guardian details;
- c) what was observed or heard;
- d) when the concerning incident, behaviour or conduct was observed;
- e) where the concerning incident, behaviour or conduct occurred;
- f) why you are concerned and the impact of the incident (ie, injuries, others at risk of harm); and
- g) if known, what you would like to happen next and the outcome you are seeking.

Refer to the "Reporting a Complaint" template to assist at Attachment [insert].

To help remember, think of this initial guidance as the "who, what, when, where, why, what next?" This is also helpful for those who are responding to the Complaint.

Depending on the nature of the Complaint, once the initial contact is made and it is known what the Complainant would like to occur next, there are two options:

- h) talk to a Person in a Position of Authority who can guide you/the Complainant as to next steps; and/or
- i) depending on the nature and seriousness of the Complaint, formalise the Complaint to the relevant Club, Branch or State Centre, as appropriate, based on the incident categorisation (Table A at Section 9).

Step 2 - PPA talks to Complainant

Regardless of whether you are a Member, Participant or a PPA, it is critical that all Complaints are treated seriously and without judgment. Everyone has a role to play to ensure that appropriate steps are taken and in a sensitive and non-judgmental way.

There are certain circumstances that make it inappropriate for a particular PPA to speak to a Complainant about a Complaint, irrespective of whether the Complainant specifically informed that PPA of their Complaint. In the following circumstances, it may be appropriate for another PPA, or a Senior Person, to talk to the Complainant once a Complaint is lodged:

- a) where the PPA has had personal involvement in the circumstances giving rise to the Complaint;
- b) where the Complainant does not wish to discuss the Complaint further with that particular PPA;
- c) where there is a significant (actual or perceived) power imbalance between the PPA and the Complainant; or
- d) where the PPA shares another relationship with the Complainant outside the SLS context, including immediate or extended family members.

Where any of the circumstances in (a) - (d) above arise, it may be appropriate for a different PPA to talk to the Complainant, unless the Complainant specifically requests, or will only speak to, that particular PPA.

Where a PPA or Senior Person is talking to a Complainant about a Complaint, remember to:

- a) talk to the Complainant calmly and without judgment or opinion;
- b) ensure that your conversation is occurring in a private and safe environment;
- c) ask non-leading questions to establish what the Complainant's concerns are. This can be in the form of the questions set out at Step 1 [(a)-(g) – who, what when, where, why, what next?];
- d) if appropriate (for example, the issue is minor, easily resolved and no person is in danger) take steps to resolve the Complaint at that time;

- e) if the person receiving details of the Complaint is not an employee, official or coach of SLISA and the Complaint is not easily resolved, seek out a State Centre, Branch or Club employee, official or coach and tell them what you and/or the Complainant know about the Complaint; and
- f) take notes or record the details of what you find out regarding the Complaint.

Once the above steps have been taken, please read the guidance in the corresponding sections of this Policy.

Depending on the nature of the Complaint being made regarding a CYP (or CYPs), certain steps must be taken. It is crucial that these steps are taken immediately or within 24 hours of becoming aware of a Complaint where a CYP is at risk of potential or future Harm.

The initial response is crucial to the well-being of the CYP. It is important for the person receiving the information to:

- a) listen to, be supportive and do not dispute what the Complainant says;
- b) reassure the CYP and let them know that what has occurred is not the fault of the CYP;
- c) ensure that the CYP is safe;
- d) remain calm and do not express shock, panic or disbelief;
- e) be honest and explain that other people may need to be told in order to stop what is happening; and
- f) make written notes during or as soon as possible after the discussion.

In all circumstances where PPA are aware of information about any Complaint concerning Abuse of a CYP, they will not discuss it with anyone other than their relevant Senior People. They may be required to discuss their allegations with Police as directed

Once details of the Complaint have been established the relevant PPA:

- a) discuss their concerns with their immediate Senior Person or another Senior Person who is available; and
- b) collaborate with the Senior Person to develop a plan that aims to address the concerns regarding the particular CYP.

No discussion should occur with the CYP's parents/carers or other family member/s until the plan has been developed and authorised by the Senior Person.

Step 3 - Senior Person documents using Templates

Once a Complaint is reported to a Senior Person under Step 2, the Senior Person must ensure that all relevant information is recorded regarding the Complaint (see Attachment B – Case 2 & 3 Formal Complaints Record) and in relation to the outcomes of decision-making.

When completing the Recording Template, the Senior Person should include as much information as possible in response to the specific questions at Step 1(a) - (g) above. The inclusion of as much information as possible in the Recording Template makes it easier for the Involved Organisation to investigate and action the Complaint.

Recording Templates for Case 2 and 3 Complaints must be retained in a safe and secure location for at least 3 years after the incident, to ensure a copy is available for the duration of relevant limitations of liability period under the law. Refer to Section 4 for more information regarding record-keeping.

Step 4 - Involved Organisation conducts internal investigation

Natural Justice requires that each person that is a party to the Complaint is informed about the allegations and has an opportunity to respond to them.

When investigating a Complaint, the Investigation Officer within the Involved Organisation should:

- a) connect with the Complainant(s) on behalf of the appropriate Involved Organisation responding to and investigating the Complaint;
- b) connect with the Respondent(s) against whom the allegation refers at an appropriate time and give the Respondent an opportunity to:
 - i. hear the allegation(s) against him/her/it in full;
 - ii. explain or respond to the allegation(s), either orally, in writing or both;
 - iii. identify any witnesses and supporting evidence in favour of the Respondent;
 - iv. invite a support person or advisor, who must not be qualified as a lawyer or barrister, to attend any meeting with the person investigating; and
 - v. be provided support (for example, professional counselling) if necessary;

- c) obtain a signed statement and record of interview from the Respondent;
- d) make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how); and
- e) obtain other information that could assist in making a decision on the allegation.

If the alleged perpetrator is an employee, participant, coach or official within SLS, the Investigation Officer will:

- f) convene separate meetings with the parties (as appropriate) and discuss the outcomes of the investigation; and
- g) determine and implement a plan for managing feedback and counselling to the parties as appropriate.

If the parent/carer is not satisfied with the outcome of the investigation, the parent/carer can request the Involved Organisation to re-open the matter or raise their concerns with the Board of Directors of the Involved Organisation.

Step 5 - Provisional Action (if required)

Provisional Action is defined as action that may be taken by an Involved Organisation (in relation to Case 2 or 3 Complaints).

Provisional Action is action taken against a Respondent to Case 2 or 3 Complaints where the alleged incident is serious enough to warrant such action being taken until the outcome(s) of the internal investigation, Independent Investigation or Hearing Tribunal is known.

Provisional Action may include, but is not limited to:

- h) suspension, restriction of duties or temporary re-deployment; or
- i) suspension or restriction of rights, privileges and benefits.

In all circumstances in which Case 2 or 3 Complaints are reported to an Involved Organisation or the relevant external authorities, SLSA and the Involved Organisation reserve the right in their sole discretion to recommend that the activities undertaken by the Respondent are revised and amended as necessary to minimise risk.

Subject always to the SLSA MPP Involved Organisations should be mindful of any contractual or employment issues arising where the Involved Organisation is contemplating Provisional Action. For instance:

- j) the contract governing a service provider's obligations to an Involved Organisation; or
- k) an individual's employment contract with an Involved Organisation, may have an impact on what type of Provisional Action may be legally taken by an Involved Organisation.

IMPORTANT NOTE: Where the livelihood of a Respondent to a Complaint is likely to be adversely impacted by any disciplinary measures imposed, including Provisional Action such as a suspension, special care must be taken before imposing any such Provisional Action. An Involved Organisation should seek legal advice prior to imposing Provisional Action in those circumstances.

Where a Respondent to a Case 2 or 3 Complaint is either an independent contractor providing services to an Involved Organisation, or an employee of an Involved Organisation, or has a livelihood that would likely be impacted by any disciplinary measures, it is strongly recommended that the Involved Organisation seeks legal advice prior to imposing any Provisional Action.

Evaluating Next Steps

After completing the internal investigation under Step 6, SLSA, the relevant State Centre or the Delegated Organisation must determine what action is taken next, namely:

- l) dismissing and closing the Complaint where no further action is required, or no longer sought by the Complainant;
- m) making a decision and imposing disciplinary measures (if required) in response to the internal investigation of the Complaint (see Step 6 or 8);
- n) referring the Complaint to an Independent Investigation; or
- o) referring the Complaint to a Hearing Tribunal.

When evaluating which process to undertake in relation to any specific Complaint, the following table provides guidance as to when each process may be the most beneficial.

Table C - Processes for resolving Complaints

Case	When to use
Mediation	- Both parties have had their chance to tell their version of events - PPA does not believe that any of the allegations warrant any form of disciplinary action - Mediation looks like it may work
Involved Organisation makes decision	- Complainant and Respondent are both CYP - There is no dispute as to the facts - Complaint is at the minor end of the Case 1 Complaint scale
Independent Investigation	- There are major inconsistencies between each party's version of events - Involved Organisation has not been able to sufficiently establish what occurred through internal investigation - Complainant is not comfortable appearing in the same room as the Respondent at a Hearing Tribunal
Hearing Tribunal	- Respondent is an employee or independent contractor of the Involved Organisation (subject to SLSA entities HR policies and procedures) - Respondent's livelihood will be impacted by any adverse finding or disciplinary measures - There are only minor inconsistencies between each party's version of events, or only a small number of facts are disputed

Step 6 - Complaint resolution procedure

The relevant procedure that must be followed for a Mediation, Independent Investigation or Hearing Tribunal under this Policy are outlined at:

- SLSA MPP (Independent Investigations);
- SLSA MPP (Hearing Tribunals); and
- Attachment D for Mediation.

The Involved Organisation may proceed straight to Step 6 after completing Step 4.

As outlined at "Evaluating Next Steps" above, it may be beneficial for the Involved Organisation to make a decision and impose disciplinary measures (if required) at the completion of Step 4 where:

- both the Complainant and Respondent are CYP;
- there is no dispute as to the facts of the Complaint; or
- the Complaint is at the minor end of the Case 2 or 3 Complaint scale.

Where an Involved Organisation decides to make a decision and impose disciplinary measures (if required) after the completion of Step 4, the following should have occurred to satisfy the requirements of Natural Justice:

- the Respondent was made aware of the specific allegations against him/her/it and the identity of the Complainant;
- the Respondent was provided the opportunity to respond to the specific allegations within the Complaint, either in writing or in person; and
- the Respondent was afforded the opportunity to have a support person, who must not be a lawyer or barrister, present at any meeting or interview with a representative of the Involved Organisation.

The Respondent may be granted a right of appeal from any decision and disciplinary measures imposed by an Involved Organisation in response to a Complaint (see Step 8).

Step 7 - Decision and/or discipline

Under Appendix C Section 4.1.2 of the SLSA MPP an Involved Organisation may impose a variety of disciplinary

measures against a Respondent (whether an individual or organisation) who has breached this Policy.

The form of disciplinary measures to be imposed on an individual or organisation should depend on factors such as:

- j) the nature and seriousness of the behaviour or incidents;
- k) in a case where action is taken concurrently with or in lieu of a resolution of a formal Complaint, the wishes of the Complainant;
- l) if the Respondent knew or should have known that the behaviour was a breach of the Policy;
- m) level of contrition of the Respondent;
- n) the effect of the proposed disciplinary measures on the Respondent including any personal, professional or financial consequences;
- o) if there have been relevant prior warnings or disciplinary action; or
- p) if there are any mitigating circumstances such that the Respondent should not be disciplined at all or not disciplined so seriously.

Step 8 – Appeal

Please note an appeal may not be available. Please carefully consider the relevant section of the MPP and SLSA's disciplinary regulations.

Once a decision is made and disciplinary measures imposed (if required) in response to a Complaint, whether through the Involved Organisation itself, a disciplinary committee after considering an Independent Investigation or a Hearing Tribunal, a Respondent may be entitled to lodge an appeal.

If an appeal from such a decision is available it must be made in accordance with the procedures in the MPP and the SLSA Regulations.

Where an appeal is available and an appeal has been properly lodged, the Appellant (who may be the original Complainant or the original Respondent) is required to submit a Notice of Appeal to the CEO of the Involved Organisation which will hear the Appeal (see Table A).

The Chairperson of the Appeal Tribunal will consider whether the appeal is valid. The validity of an appeal is based on:

- a) whether the appeal refers to one or both of the grounds of appeal outlined in the Appeal Procedure; and
- b) there are sufficient grounds for the appeal to proceed.

The Appeal Tribunal is convened, held and makes its decision based on the Appeal Procedure in the MPP and the SLSA Regulations.

Step 9 - Record, notify and finalise

All SLS Entities must keep records of all Case 2 or 3 Complaints in keeping with the templates in the SLSA MPP for a minimum of 3 years.

Records must be maintained in a secure and confidential place – preferably both in electronic and hard copy (if any) versions.

State Centres and SLSA must keep a register of Complaints that should be updated quarterly at a minimum. The register must be in the form set out at Attachment B.

When recording details at the finalisation of a Complaint, the Senior Person must:

- a) file all materials lodged by each party to the Complaint;
- b) document the decision made with respect to the Complaint;
- c) document any disciplinary measures arising out of the Complaint; and
- d) record any additional outcomes of the Complaint.

The relevant Involved Organisation must:

- e) where it is a Club or Branch, notify its State Centre; or
- f) where it is a State Centre, SLSA;

as soon as possible after the Complaint is resolved. The Involved Organisation must notify the appropriate person within the organisation outlined at (e) or (f) above, as notified to the Involved Organisation from time to time.

ATTACHMENT A: CASE 1 REPORT RECORD**CONFIDENTIAL****CASE 1 REPORTING RECORD**

This report should be completed if there is a legitimate concern about a breach of the SLSA Member Protection Policy in relation but not limited to a disclosure, incident or observation of:

- ☐ Child Abuse
☐ Sexual Misconduct
☐ Serious Criminal Conduct

Should the report not involve one of the above, please complete the Case 2 and 3 Complaints Template

Complainant's Name: (if other than Child)	Date:	
Complainant's Age:		
Complainant's Club:		
Date formal Report received:		
CHILD'S DETAILS		
Full name:		
Address:		
Date of Birth:		Sex:
Age at time of alleged offence:		
Parent / Guardian Name:		
Parent / Guardian Address:		
Parent / Guardian Mobile:		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Date of alleged abuse:		
Location/event of alleged abuse:		
NAME OF PERSON COMPLAINED ABOUT		
Full Name:		
Date of Birth:		Sex:
Age at time of alleged offence:		
Role/status in SLS:	☐ Administrator (volunteer)	☐ Parent
	☐ Athlete	☐ Spectator
	☐ Coach/Assistant Coach	☐ Support Personnel
	☐ Employee (paid)	☐ Official
	☐ Other:	
WITNESSES (if more than 3 witnesses attach details to this form)		
WITNESS 1	Full Name:	
	Mobile:	
	Address:	
WITNESS 2	Full Name:	
	Mobile:	
	Address:	
WITNESS 3	Full Name:	
	Mobile:	
	Address:	

INTERIM ACTION (IF ANY) TAKEN		
<i>To ensure Child's safety and/or support needs of person allegedly accused</i>		
POLICE CONTACTED	Name of Officer:	
	Police Station:	
	When:	
	Report ID:	
	Advice provided :	
GOVERNMENT AGENCY CONTACTED	Name of Agent:	
	Agency Name:	
	When:	
	Report ID:	
	Advice Provided:	
CEO CONTACTED	Name:	
	When:	
	Via:	
POLICE AND/OR GOVERNMENT AGENCY INVESTIGATION: FINDING		
INTERNAL INVESTIGATION (IF ANY): FINDING		
ACTION TAKEN		
COMPLETED BY:	Name:	
	Position in SLS:	
	Signature:	
	Date:	
SIGNED BY:	Complainant (if not a Child)	

ATTACHMENT B: CASE 2 & 3 FORMAL COMPLAINT RECORD**CONFIDENTIAL****CASE 2 & 3 FORMAL COMPLAINT RECORD**

This report should be completed if there is a legitimate concern about a breach of the SLSA Member Protection Policy. If the concern involves child abuse, sexual misconduct or serious criminal conduct please refer to Case 1 Report Record.

Complainant's Name:			Date:	
Complainant's Age:				
Complainant's Club:				
Date formal Complaint received:				
Role/status in SLS:	☐ Administrator (volunteer)	☐ Parent		
	☐ Athlete	☐ Spectator		
	☐ Coach/Assistant Coach	☐ Support Personnel		
	☐ Employee (paid)	☐ Official		
	☐ Other:			
Date of alleged issue:				
Location/event of alleged issue:				
ALLEGED VICTIM				
Full name:				
Address:				
Date of Birth:		Sex:		
Age at time of alleged offence:				
ALLEGED PERPETRATOR				
Full name:				
Address:				
Date of Birth:		Sex:		
Age at time of alleged offence:				
DESCRIPTION OF ALLEGED ISSUE				
NATURE OF COMPLAINT				
(Category / basis/ grounds) Tick more than one box if necessary	☐ Bullying	☐ Disability		
	☐ Discrimination	☐ Harassment		
	☐ Personality Clash	☐ Physical abuse		
	☐ Pregnancy	☐ Race		
	☐ Religion	☐ Selection dispute		
	☐ Sexual / sexist	☐ Sexuality		
	☐ Verbal abuse	☐ Victimisation		
	☐ Other			
METHODS (IF ANY) OF ATTEMPTED INFORMATION RESOLUTION				

SUPPORT PERSON (IF ANY)		
FORMAL RESOLUTION PROCEDURES FOLLOWED (OUTLINE)		
IF INVESTIGATED: FINDING		
HEARING TRIBUNAL	Decision:	
	Action Recommended:	
IF MEDIATED	Date of Mediation:	
	Were both parties present:	
	Terms of Agreement:	
	Any other action taken:	
IF APPEALED	Decision	
	Action Recommended:	
RESOLUTION	☐ Less than 3 months to resolve	
	☐ Between 3-8 months to resolve	
	☐ More than 8 months to resolve	
COMPLETED BY:	Name:	
	Position in SLS:	
	Signature:	
	Date:	
SIGNED BY:	Complainant:	
	Respondent:	