



**AFL Victoria**

**and**

**Affiliated Members**

**Member Protection Policy**

**March 2009**

AFL Victoria Policy Statement

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## **AFL VICTORIA POLICY STATEMENT**

AFL Victoria regards unlawful discrimination, sexual harassment, bullying and abuse in any form as intolerable and believes that all people have the right to work, play and socialise in an environment which is safe, inclusive and respectful.

This policy has been designed to re-enforce the values AFL Victoria places upon creating the best environment for all people connected with Australian Football. It clearly defines expected standards of behaviour for all people associated with our game and sets out AFL Victoria's approach to addressing inappropriate behaviour.

Any reports of inappropriate behaviour as defined in this document will be treated seriously, sympathetically and confidentially by AFL Victoria or the Affiliated Member and will be investigated thoroughly. AFL Victoria or the Affiliated Member will ensure that complainants and witnesses are not victimised in any way.

Under various State and Commonwealth legislation unfair discrimination and sexual harassment is illegal. In its most serious forms harassment can be an offence under State and Federal criminal law.

This policy has been endorsed by AFL Victoria Executive. The policy begins with effect from 18<sup>th</sup> March 2009 and will operate until replaced. This policy and/or its attachments may be amended from time to time by AFL Victoria.

AFL Victoria Executive and I are committed to ensuring full compliance to ensure our game is safe and enjoyable for everyone.

**Peter Schwab**  
**Chief Executive Officer**

## **PART A: MEMBER PROTECTION POLICY**

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### **1. Scope**

- 1.1 The Member Protection Policy applies to the extent where possible:
- with respect to AFL Victoria, the people within the purview of AFL Victoria Rules and Regulations, whether they are in a paid or unpaid/voluntary capacity; and
  - with respect to each Affiliated Member, all people under the purview of that Affiliated Member, whether they are in a paid or unpaid/voluntary capacity:  
including, but not limited to:
    - Individuals sitting on boards, committees and sub-committees;
    - Employees and volunteers;
    - Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
    - Coaches and assistant coaches;
    - Players;
    - Umpires and other officials;
    - Members, including life members;
    - Affiliated clubs;
    - Any other person or organisation that is a member of or affiliated to AFL Victoria or Affiliated Member;
    - Parents, guardians, spectators and sponsors to the full extent that is possible.
- 1.2 This policy will continue to apply to a person even after they have stopped their association or employment with AFLV or Affiliated Member if disciplinary action, relating to a breach of this policy, has commenced.
- 1.3 This policy and/or its attachments may be amended from time to time by AFL Victoria.

### **2. Code of Conduct**

- 2.1 AFL Victoria requires every individual and organisation bound by this policy to:
- (a) Be ethical, fair and honest in all their dealings with other people;
  - (b) Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
  - (c) Always place the safety and welfare of children above other considerations;
  - (d) Comply with AFLV's and the Affiliated Member memorandum and articles of association, player rules, regulations and policies including this member protection policy;
  - (e) Operate within the rules and spirit of the sport;
  - (f) Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;

- (g) Be responsible and accountable for their conduct;
- (h) Abide by the relevant Role-Specific Codes of Conduct. *Role Specific Codes of Conduct are located on AFL Victoria website – [www.aflvic.com.au](http://www.aflvic.com.au).*

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

- (a) Done anything contrary to this policy;
- (b) Breached the Code of Conduct and Role-Specific Codes of Conduct;
- (c) Brought the sport and/or AFL Victoria and/or the Affiliated Member into disrepute;
- (d) Failed to follow AFLV policies and procedures for the protection, safety and welfare of children;
- (e) Discriminated against or harassed any person;
- (f) Victimised another person for reporting a complaint;
- (g) Engaged in unlawful sexual activity. ;
- (h) Disclosed to any unauthorised person or organisation any AFLV or Affiliated Member information that is of a private, confidential or privileged nature;
- (i) Made a complaint they knew to be untrue, vexatious, malicious or improper;
- (j) Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- (k) Failed to comply with a direction given to the individual or organisation during the discipline process.

### **3. Organisational Responsibilities**

3.1 AFL Victoria requires its Affiliated Members to implement appropriate policies and codes of conduct and in turn those Affiliated Members will request their affiliate members and clubs to implement appropriate policies and codes of conduct.

3.2 AFLV Affiliated Members must:

- (a) Adopt, implement and comply with this policy;
- (b) Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- (c) Promote appropriate standards of conduct at all times;
- (d) Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, , timely and confidential manner;
- (e) Apply this policy consistently without fear or favour;
- (f) Recognise and enforce any penalty imposed under this policy;
- (g) Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies
- (h) Appoint appropriately trained Member Protection Information Officers to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible; and
- (i) Monitor and review this policy at least annually.

## **4. Individual Responsibilities**

4.1 Individuals bound by this policy are responsible for:

- (a) Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- (b) Consenting to a national police check if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years
- (c) Co-operating in providing a sporting environment which is free from unlawful discrimination, harassment, bullying and abuse.
- (d) Complying with all other requirements of this policy;

## **5. Policy Statements**

### **5.1 CHILD PROTECTION POLICY**

#### **(a) Overview**

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

Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

Child abuse relates to children (a person under 18 years old) at risk of harm, usually by adults, sometimes by other children, and often by those they know and trust. It can take many forms. Children may be harmed by verbal and emotional abuse and physical actions and by people failing to provide them with basic care. Child abuse may include:

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

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. AFL Victoria requires that anyone who reasonably suspects that a child has been or is being abused by someone within our sport, or by his/her parents/guardians to report it immediately to the police or relevant government agency, and AFL Victoria or relevant

Affiliated Member. AFL Victoria or Affiliated Member will not attempt to investigate, mediate or conduct any hearing into any allegation of child abuse as this is the role of the police and the relevant government agency.

**(b) AFL Victoria Child Protection Requirements**

AFL Victoria requires every individual and organisation bound by this policy to:

- (i) Prohibit any form of abuse against children;
- (ii) Provide education and/or information to those involved in our sport on child abuse and child protection.
- (iii) Carefully select people whose role requires them to have regular direct and unsupervised contact with children;
- (iv) Provide opportunities for our juniors to contribute to and provide feedback on our program development;
- (v) Ensure codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed
- (vi) Provide procedures for raising concerns or complaints. Where applicable meet the requirements outlined in:
  - A Attachment B1 Victoria Child Protection Requirements
  - B VIC Child Protection Requirements. *Refer to the Department of Justice website: <http://www.justice.vic.gov.au> and follow the Working with Children Check link under Business Units or contact 1300 652 879.*

State specific child protection requirements apply despite the existence or absence of AFL Victoria Member Protection Policy.

**5.2 ANTI DISCRIMINATION AND HARASSMENT POLICY**

**(a) Overview**

AFL Victoria aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

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

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

**(b) Discrimination**

Discrimination means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination).

The law also covers Indirect Discrimination. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics.

Under the relevant legislation across Australia, unless a specific exclusion applies, it is unlawful to discriminate against anyone on a variety of grounds including, but not limited to the following:

- Age;
- Disability;
- Marital status;
- Parental/carer status;
- Family/carer responsibilities;
- Gender identity/transgender status;
- Lawful sexual activity/sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex/gender;
- Social origin;
- Trade union membership/activity.
- Physical features
- Association with a person with one or more of the characteristics listed above.

### **Examples of Discrimination:**

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

**Disability:** A junior player is overlooked because of his/her mild epilepsy.

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

**Lawful sexual activity/sexual orientation:** An athlete is ostracised from his/her team after he/she tells a team mate that he/she is same sex attracted.

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

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

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

### **(c) Harassment**

**Unlawful Harassment** is any type of behaviour that is unwanted, unwelcome or uninvited and is offensive, intimidating and/or humiliating.

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended.

Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

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

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to the complaints procedure outlined in attachment C1 in this policy.

### **5.3 GENDER IDENTITY POLICY**

AFL Victoria is committed to providing an inclusive sporting environment where transgender people involved in its activities are able to contribute and participate.

AFL Victoria expects everyone who is bound by this policy to treat people who identify as transgender fairly and with dignity and respect. AFL Victoria will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or who is thought to be transgender. For further information, contact the appropriate Anti-discrimination authority in each State or Territory.

An example of behaviour which could be regarded as discrimination or harassment on the basis of gender identity/transgender status is: A transgender contract worker is harassed when employees refuse to call her by her female name.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to the complaints procedure outlined in attachment C1 in this policy.

### **5.4 OTHER RELEVANT POLICIES**

Other AFLV policies which contribute to the welfare of all those involved in our activities can be found at [www.aflvic.com.au](http://www.aflvic.com.au).

Policies include:

- AFLV Player Official De Registration Policy
- AFL National Risk Protection Program
- AFLV Gender Regulation Policy
- Anti-Doping Policy
- Racial and Religious Vilification Policy
- AFLV Infectious Disease Policy
- AFLV Alcohol Management Policy
- AFLV Smokefree Policy
- AFLV Risk Management Policy and others

### **5.5 VICTIMISATION**

AFL Victoria and Affiliated Members aim to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation.

It is unlawful to victimise a person who is involved in making a complaint of discrimination or harassment. Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make a complaint. For example, a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

AFL Victoria and Affiliated Members will take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Appropriate measures will be imposed on anyone who victimises another person for making a complaint.

## 5.6 VEXATIOUS COMPLAINTS

If at any point in the complaint process AFL Victoria Manager - Community Football Development or the Affiliated Member considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the relevant grievance tribunal/committee for appropriate action which may include disciplinary action against the complainant.

## 5.7 MEDIATION

AFL Victoria and Affiliated Members aim to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, AFL Victoria Manager – Community Football Development or the Affiliated Member will, in consultation with the complainant, arrange for an appropriate, unbiased mediator to mediate the complaint.

## 5.8 FORMS OF DISCIPLINE

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated.

## 6. Dictionary

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

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

**Affiliated club** means one of AFL Victoria Clubs licensed to compete in AFL Victoria Competition or a club affiliated with a league which in turn is affiliated with an Affiliated Member;

**Affiliated Member** means AFLV Members who are affiliated via an AFLV Membership Agreement or AFLV License.

**Child** means a person who is under the age of 18 years (see also definition of young person)

**Complaint** means a complaint made under this policy.

**Complainant** means the person making a complaint.

**Junior** means a person under the age of eighteen (18) years who is participating in an activity of the Australian Football

**Mediator** means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

**Member** means an AFLV Affiliated Member and any club under an Affiliated Member

**Member protection** is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- providing education.

**Natural justice** incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision maker/s must be unbiased, fair and just
- the penalties imposed must not outweigh the 'crime'

**Police check** means a national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.

**Policy and this policy mean** this Member Protection Policy.

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

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

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

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

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

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

**Young People/person** means people in the 13 – 18 year age group.

## **Attachment B1: VICTORIA CHILD PROTECTION REQUIREMENTS**

*This information is subject to change at any time. Refer to the Department of Justice website: <http://www.justice.vic.gov.au> and follow the Working with Children Check link under Business Units or contact 1300 652 879. This information was updated 1 April 2006.*

Under the [Working with Children Bill](#) (2005) the Victorian Working with Children Check (Check) will require individuals who work or volunteer with children in certain capacities in identified occupations and activities to undergo screening for criminal offences.

A person who has no relevant criminal or professional disciplinary history will be granted an assessment notice. That notice will entitle the person to undertake child-related work. A person deemed unsuitable to work or volunteer with children will be given a negative notice and cannot work in [child-related work](#). A negative notice can be appealed to Victorian Civil and Administrative Tribunal (VCAT) provided the individual is not listed on the Sex Offenders Register or subject to an extended supervision order.

### **Who needs to apply for a Check?**

Any person who works in, or in connection with, in a paid or voluntary capacity, any of the 20 child-related occupational fields listed in the Act. This work must also usually involve (or be likely to involve) regular, direct contact with a child where that contact is not directly supervised. The following child-related categories are relevant to our sport.

- educational institutions for children (such as schools and some TAFE programs);
- clubs, associations or movements that provide services or conduct activities for or directed at children or whose membership is mainly comprised of children;
- coaching or private tuition services of any kind for children; and
- direct commercial provision (and not incidental or in support of other business activities) of gym or play facilities specifically for children.

### **Exemptions**

The following people will not need to have a Check:

- individuals aged under 18
- volunteers involved in an activity in which their child ordinarily participates
- individuals working only with children who are close family relations
- secondary school students aged under 20 performing volunteer work arranged through the school where they are studying
- sworn members of Victoria Police
- teachers registered with the Victorian Institute of Teaching
- a visiting worker who does not ordinarily reside and perform child-related work in Victoria.

### **Phasing-in Arrangements**

Checks commence in July 2009. The type of child-related work determines when people need to apply for a check. More information on the phasing-in of Checks is available from [www.justice.vic.gov.au](http://www.justice.vic.gov.au).

### **Employer requirements**

As an employer or volunteer organisation you must:

- ensure all employees or volunteers who are required to get a Check do so at the correct time, which is indicated in the phasing plan.
- where your employees or volunteers are not required to get a Check because their contact with children is directly supervised, ensure the supervisor has a Check unless an exemption applies. For example, the supervisor may be a registered teacher with the Victorian Institute of Teaching, making them exempt
- ensure that employees or volunteers issued with a Negative Notice do not undertake child-related work as defined by the Working With Children Act 2005.

As an employer or volunteer organisation you should:

- record your employee's and volunteer's unique Application Receipt Number received when they submit their application. The Act enables a person to continue or commence work while their application is pending
- confirm that your employees and volunteers have been issued with an Assessment Notice after Check applications have been assessed by the Department of Justice
- sight your employee's or volunteer's Working with Children Check Card and confirm the status of their Card Number to verify that they have passed the Check. You can do this online from 1 July 2006, or by calling 1300 652 872
- record your employee's or volunteer's Card Number, which is different from their Application Receipt Number
- develop internal processes in the event of an existing employee or volunteer being issued with an Interim Negative Notice or Negative Notice.

## **Attachment C1: COMPLAINTS PROCEDURE**

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### **1. Overview**

This procedure has been developed to ensure that complaints about inappropriate behaviour described in this policy are addressed sensitively, consistently, fairly and confidentially.

A complaint may be reported about an individual or group behaviour informally or formally. It may be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy.

A complaint should be reported to AFL Victoria Human Resources Manager, Contact Officer or the relevant Manager – Community Football Development of the Affiliated Member, as the case may be. For the avoidance of doubt, a complaint relating to a club or a league operating under an Affiliated Member must be reported to that Affiliated Member, not AFL Victoria.

### **2. Internal Procedure**

#### **(a) Self Resolution**

Self resolution may be appropriate where the alleged harasser or bully is oblivious to the impact of their behaviour towards the complainant. If the complainant feels it is appropriate they can attempt to resolve the issue directly with the alleged harasser, without the assistance of AFLV Management, by speaking directly to the person/s involved and asking them to stop the offensive behaviour immediately.

#### **(b) Resolve the Complaint Informally**

Informal assistance may be appropriate where the complainant is not sure how to handle the problem and wants to talk confidentially about the problem or the problem continues after the complainant has tried to approach the person/s involved. If this is the case, individual/s should talk with AFL Victoria Human Resources Manager, Contact Officer or Manager - Community Football Development for the Affiliated Member.

Informal procedures that may be adopted could include the following:

- provide possible options/methods for the complainant to resolve the problem and/or make a referral to an appropriate person to help the complainant resolve the problem eg: a mediator..
- explain how AFL Victoria complaints procedure works;
- act as a support person;
- privately speak with the alleged offender on behalf of the complainant
- inform the relevant government authorities and/or police if required by law to do so

**(c) Resolve the Complaint Formally**

Formal procedures may be appropriate where informal procedures have been ineffective, the complaint involves serious and/or criminal allegations or the complainant wishes to make a formal complaint from the outset. Formal complaints can be lodged with AFL Victoria Manager - Community Football Development for the Affiliated Member.

Both parties involved in a formal complaint have a number of rights and responsibilities which are detailed below:

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

A formal procedure will be followed as appropriate for each individual complaint which may include one or more of the following steps:

- document full information from the complainant about the complaint and how they want it resolved;
- put the information received from the complainant to the person/people that the complaint is about and ask them to provide their side of the story;
- decide whether enough information has been obtained to determine whether the matter alleged in the complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session and/or referring the complaint to the police or other appropriate authority.

**NB: Where a complaint relates to an allegation of child abuse the matter will immediately be referred to the police or relevant state government authority.**

More detailed information on conducting internal investigations can be found at [www.ausport.gov.au/ethics/policy.asp](http://www.ausport.gov.au/ethics/policy.asp)

**(d) Appeal Process**

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome, or if the complainant believes it would be impossible to get an impartial resolution within AFL Victoria or Affiliated Member, an external agency such as The Equal Opportunity Commission may be contacted to assist with a resolution.

### **3. External Procedure**

There may be a range of external options available depending on the nature of the complaint. In the case of harassment or discrimination advice can be sort from the State or Territory Equal Opportunity Commission without being obliged to make a formal complaint. In the case of more serious breaches such as child abuse, the police or relevant state government department responsible for issues of child welfare should be notified.

If an individual wishes to lay a compliant to an external body then guidance and support is available from AFL Victoria Manager – Community Football Development for the Affiliated Member.

## **PART C: REPORTING DOCUMENTS/FORMS**

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TO ASSIST IN CONSISTENCY AND ACCURACY IN FOLLOWING PROCEDURE AND REPORTING ON THE ISSUES COVERED BY AFLV'S MEMBER PROTECTION POLICY, THE FOLLOWING DOCUMENTS ARE TO BE USED:

- C1 CONFIDENTIAL RECORD OF INFORMAL COMPLAINT – TO BE USED UPON RECEIPT OF A COMPLAINT OR ALLEGATION**
  
- C2 CONFIDENTIAL RECORD OF FORMAL COMPLAINT – TO BE USED WHEN A FORMAL COMPLAINT IS RECEIVED BY AFLV'S MEMBERS.**
  
- C3 CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION – TO BE USED UPON RECEIPT OF A COMPLAINT/ALLEGATION OF CHILD ABUSE**
  
- C4 RECORD OF MEDIATION – TO BE USED BY THOSE WHO CONDUCT A MEDIATION**

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

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



<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse</p> <p><input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p><input type="checkbox"/> Child Abuse</p> <p><input type="checkbox"/> Other .....</p>
<p>Feelings expressed by complainant</p> <p>(completing this may help to separate emotional content from facts)</p>	
<p>What they want to happen to fix issue</p>	
<p>What information I provided</p>	
<p>What they are going to do now</p>	

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the Human Resources Manager of the appropriate Governing body.



<p>Nature of complaint (basis/grounds/category)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse</p> <p><input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p><input type="checkbox"/> Child Abuse</p> <p><input type="checkbox"/> Other .....</p>
<p>Methods (if any) of attempted informal resolution</p>	
<p>Support person (if any)</p>	
<p>Formal resolution procedures followed (outline)</p>	
<p>If investigated: Finding -</p>	
<p>If went to hearing tribunal:</p> <p>Decision -</p> <p>Action recommended -</p>	
<p>If mediated:</p> <p>Date of mediation -</p> <p>Were both parties present -</p> <p>Terms of Agreement -</p> <p>Any other action taken -</p>	

If went to appeals tribunal: Decision Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position in League/Club: Signature: / /
Signed by:	Complainant:  Respondent:

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



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

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

**Attachment C4: RECORD OF MEDIATION**

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