

**SQUASH AUSTRALIA**  
**MEMBER PROTECTION POLICY**  
(1 January 2010)



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## PREFACE

The future of any sport is dependent upon the safety and well being of every member and the practice of sportsmanship at every level. Unfortunately every sport faces the prospect of encountering misconduct or bad behaviour at some time by one or some of its members.

Squash Australia has adopted a Member Protection Policy (MPP) to deal with the various types of misconduct and bad behaviour that may arise and to uphold the best interests of Squash. This Policy should be read in conjunction with Squash Australia's other Regulations and Policies in particular, those associated with Disciplinary Matters, the WSF Rules of Squash (as amended) and Squash Australia's Anti-Doping Policy.

This policy has been produced to assist in maintaining Squash as a safe sport for all participants.

The objectives of this policy are consistent with those of Squash Australia's Regulation relative to Disciplinary Matters.

They are to:

- a. protect and provide a safe environment for all those who participate in Squash Australia's activities and events;
- b. provide guidelines to its Members for their protection while participating in Squash related activities and events;
- c. assist in the maintenance of the high level of sportsmanship in Squash;
- d. resolve problems relating to the conduct of players in their relations with each other, officials and the public;
- e. assist in maintaining a positive attitude towards officials; and
- f. assist in the maintenance of Squash Rules and Regulations.

The Board of Squash Australia believes that everyone who participates in the activities or events of Squash Australia has the right to be treated with dignity and respect. They also have the right to have any complaints or charges dealt with in a just manner and to be given the opportunity to be heard before any penalties are imposed.

### ***Squash Australia and Member State & Territory Association Contact Details.***

Organisation	Telephone	Email Contact	Website
Squash ACT	02 6282 3824	<a href="mailto:squash@squashact.asn.au">squash@squashact.asn.au</a>	<a href="http://www.squashact.asn.au">www.squashact.asn.au</a>
NSW Squash	02 9484 8271	<a href="mailto:admin@nswsquash.com.au">admin@nswsquash.com.au</a>	<a href="http://www.nswsquash.com.au">www.nswsquash.com.au</a>
Squash NT		<a href="mailto:squashnt@octa4.net.au">squashnt@octa4.net.au</a>	<a href="http://www.squashnt.com.au">www.squashnt.com.au</a>
Q Squash	07 3357 8955	<a href="mailto:kim@qsquash.com">kim@qsquash.com</a>	<a href="http://www.qsquash.com">www.qsquash.com</a>
Squash SA	08 8277 2522	<a href="mailto:squash@squashsa.asn.au">squash@squashsa.asn.au</a>	<a href="http://www.squashsa.asn.au">www.squashsa.asn.au</a>
Squash Tas	03 6244 1386	<a href="mailto:info@squashtas.asn.au">info@squashtas.asn.au</a>	<a href="http://www.squashtas.asn.au">www.squashtas.asn.au</a>
Squash Vic	03 9682 2199	<a href="mailto:info@squashvic.com.au">info@squashvic.com.au</a>	<a href="http://www.squashvic.com.au">www.squashvic.com.au</a>
Squash WA	08 9225 7255	<a href="mailto:info@wasquash.asn.au">info@wasquash.asn.au</a>	<a href="http://www.wasquash.asn.au">www.wasquash.asn.au</a>
Squash Australia	07 3367 3200	<a href="mailto:squashoz@squash.org.au">squashoz@squash.org.au</a>	<a href="http://www.squash.org.au">www.squash.org.au</a>

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## **PART A - SQUASH AUSTRALIA MEMBER PROTECTION POLICY**

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This Part A deals with Squash Australia's core values, the aim of the Policy, the Code of Conduct, and the organisation's policy position statements.

### **1. Squash Australia's Core Values**

In our relationship and dealings with our stakeholders and each other, we will:

- be open and transparent;
- communicate effectively;
- accept responsibility for decisions and actions;
- be responsive to their needs;
- endeavour to reach a common understanding through consultation;
- strive for excellence, effectiveness and efficiency to maximise our performance;
- be cooperative and operate as a team;
- strive for continuous improvement; and
- value the well being and diversity of all our players

### **2. Purpose of this Policy**

This MPP aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

The policy attachments provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Squash Australia will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by Squash Australia and has been incorporated into the Squash Australia Regulations. The policy commenced on 18 July 2003, having been amended under the authorisation of the Board of Squash Australia from time to time. Copies of the policy and its attachments can be obtained from the Squash Australia website [www.squash.org.au](http://www.squash.org.au) or from the Squash Australia Office.

### **3. Who Does the Policy apply to?**

This policy applies to the following individuals, whether they are in a paid or unpaid/voluntary capacity and organisations participating in the sport of Squash in Australia or under the control of Squash Australia:

- Individuals elected or appointed to boards, committees and sub-committees;
- Employees and volunteers;
- Coaches and assistant coaches;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Referees and other officials involved in the control or operation of Squash;
- Athletes and players;
- Members, including life members;
- Member associations, affiliated clubs and associated organisations such as Court Owners & Operator collectives, Coaches or Referees Associations;
- Other peak squash associations and the national body;
- Any other person or organisation that is a member of or affiliated to Squash Australia; and
- Other persons including parents, guardians, spectators and sponsors to the full extent that is possible who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this Policy.

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

### **4. Organisational Responsibilities**

Squash Australia, its Member Associations and their affiliated clubs must:

- a. adopt and comply with this policy;
- b. recognise and enforce any penalty imposed under this policy;
- c. publish, distribute and otherwise promote this policy and the consequences for breaching it;
- d. promote appropriate standards of conduct at all times;

- e. promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- f. apply this policy consistently without fear or favour;
- g. ensure that a copy of this policy is available or accessible to the persons to whom this policy applies;
- h. appoint or have access to appropriately trained people to receive and handle complaints and allegations (e.g. Member Protection Information Officers (MPIOs) and/or Complaint Managers) and display the names and contact details in a way that is readily accessible; and
- i. monitor and review this policy at least annually.

Member associations are required to adopt and implement this policy and to provide proof to Squash Australia of the approval of the policy by the relevant board in accordance with its constitution. Member associations must also undertake to ensure that its affiliated Clubs and Centres are bound by this policy and are made aware of this policy and what it says.

## 5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- a. making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- b. 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. complying with all other requirements of this policy;
- d. co-operating in providing a discrimination, child abuse and harassment free sporting environment; and
- e. understanding the possible consequences of breaching this policy.

## 6. Policy Position Statements

This section covers the statements regarding child protection and anti-discrimination and harassment and sexual relationships policies.

### 6.1 Child Protection

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

Squash Australia acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of our juniors. Squash Australia aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

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

Squash Australia requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it immediately to the local state/territory police or relevant government agency and designated contact person of the organisation responsible ie MPIO or CEO. Descriptions of the sorts of activity, which may be abuse are in the *Definitions* at Clause Part A 10.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. The procedures for handling allegations of child abuse are outlined in Attachment D4 of this policy.

If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

## 6.2 Anti-Discrimination and Harassment

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

Squash Australia recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their sex, marital status, pregnancy, parental status, race, age, disability, homosexuality, sexuality, transgender, religion, political belief and/or industrial activity.

Squash Australia opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the *Definitions* at Clause Part A 10, are against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in Attachment D1 of this policy. This will explain what to do about the behaviour and how the relevant organisation (Clause 43) or Squash Australia will deal with the problem.

## 6.3 Sexual Relationships

Squash Australia takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided. Squash Australia takes the view that such relationships can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships may be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status, influence and dependence. Squash Australia's policy position is similar to other organisations that disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students.

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

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach the Squash Australia MPIO or other designated complaints person if they feel harassed.

The law is always the minimum standard for behaviour within Squash Australia and therefore sex with a child is a criminal offence.

## 6.4 Pregnancy

Squash Australia is committed to providing an inclusive sporting environment for pregnant women involved in its activities. Squash Australia expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport which may disadvantage them. We will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant. Descriptions of some of the types of behaviour which could be regarded as pregnancy discrimination or harassment are provided in the *Definitions* at Clause Part A 10.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in Attachment D1 of this policy. This will explain what to do about the behaviour and how Squash Australia will deal with the problem.

While many sporting activities are safe for pregnant women to participate in, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the particular sporting activity and the particular pregnant woman's circumstances. We encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities. 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 and manner in which they participate in our sport.

We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

### **6.5 Taking Images of Children**

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

If Squash Australia uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

We require our members, member associations and clubs to do likewise.

### **6.6 Gender Identity Policy**

Squash Australia is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. Squash Australia expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour which could be regarded as transgender or transsexual discrimination or harassment are provided in the *Definitions* at clause Part A 10.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in Attachment D1 of this policy. This will explain what to do about the behaviour and how Squash Australia will deal with the problem.

Squash Australia recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general Squash Australia will facilitate transgender or transsexual persons participating in our sport of the sex with which they identify.

Squash Australia also recognises 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, Squash Australia will seek advice on the application of those laws in the particular circumstances.

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

Squash Australia notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. 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.

### **6.7 Other Relevant Policies**

Other Squash Australia relevant policies can be found at [www.squash.org.au](http://www.squash.org.au). Some of the policies which contribute to the welfare of all those involved in our activities include:

- a. Anti-Doping Policy;
- b. Discipline;
- c. Privacy Matters; and

- d. Risk Management Policy.

## **7. Complaints Procedures**

These procedures cover complaints, victimisation, mediation and tribunals.

### **7.1 Complaints**

Squash Australia aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy, if they reasonably believe that a person/s or a sporting organisation has breached this policy (respondent). This Policy is relevant to matters associated with behaviour, concerns regarding application of rules and competitions are to be dealt with the relevant competition organisers and managers.

In all cases, the organisational 'level' at which a matter can be dealt with shall always be relevant to the issue or matter generating the complaint. Therefore, if a complaint relates to:

- Behaviour or an incident that occurred at the club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.
- Behaviour or an incident that occurred at the state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance; or
- Only in the most serious cases should the matter be referred to the national body, unless the matter has arisen at or relates to the national level. A complaint should then be reported to the MPIO or CEO of Squash Australia.

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the organisation's Secretary/ General Manager/ Executive Officer/ CEO of Squash Australia considers that the complaint falls outside the parameters of this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in Attachment D1 of this policy. Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by at the organisational level at which the complaint was originally made. The escalation of a complaint will not see the cost shift to the next organisational level. In a matter where a vexatious complaint is determined to have been made costs associated with determining the complaint may be levied against the complainant as a fine in accord with the clauses below *Vexatious Complaints & Victimisation* and *Disciplinary Measures*.

### **7.2 Vexatious Complaints & Victimisation**

Squash Australia aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the Secretary/ General Manager/ Executive Officer/ CEO or MPIO of Squash Australia considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to a Hearing Tribunal for appropriate action which may include disciplinary action against the complainant.

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

### **7.3 Mediation**

Squash Australia aims to resolve complaints with the minimum of fuss wherever possible. In many cases, complaints can be resolved by agreement between the people involved with no need for disciplinary action.

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, the MPIO or other designated person will, in consultation with the complainant, arrange for a mediator to mediate the complaint. Those 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. Lawyers are able to negotiate on behalf of the complainant and/or respondent. More information on the mediation process is outlined in Attachment D2 of this policy.

## 7.4 Tribunals

A Tribunal may be formed to hear a formal complaint that has been referred by the MPIO or CEO for an alleged breach of the policy or from a matter which has been escalated by a member state. Our tribunal hearings procedure is outlined in Attachment D5 of this policy.

A respondent may lodge one appeal only to the Appeal Tribunal in respect of a decision of a hearing tribunal. The decision of the Appeal Tribunal is final and binding on the people involved to the appeal. Our appeals process is outlined in Attachment D5 of this policy.

Every organisation bound by this policy will recognise and enforce any decision made, and form of discipline imposed, by an appeals tribunal under this policy.

Members of Tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a Tribunal.

## 8. What is a Breach of this Policy?

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

- a. done anything contrary to this policy;
- b. breached the Code of Conduct and Role-Specific Codes of Conduct;
- c. brought the sport and or Squash Australia into disrepute;
- d. failed to follow Squash Australia regulations, policies and procedures for the protection, safety and welfare of children;
- e. appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- f. discriminating against, harassing or bullying (inc cyber bullying) any person;
- g. victimised another person for reporting a complaint;
- h. engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- i. disclosed to any unauthorised person or organisation any Squash Australia information that is of a private, confidential or privileged nature;
- j. made a complaint they knew to be untrue, vexatious, malicious or improper;
- k. failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- l. failed to comply with a direction given to the individual or organisation during the discipline process.

## 9. Disciplinary Measures

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

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our Articles, Regulations, this policy and/or Rules of the sport.

### 9.1 Individual

Subject to contractual and employment requirements, if a finding is made by a Tribunal that an individual has breached this policy, one or more of the following forms of discipline may be imposed:

- a. A direction that the individual make a verbal and/or written apology;
- b. A written warning;
- c. A direction that the individual attend counselling to address their behaviour;
- d. A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Squash Australia;
- e. A demotion or transfer of the individual to another location, role or activity;
- f. A suspension of the individual's registration, membership or participation or engagement in a role or activity;
- g. Termination of the individual's registration, membership, appointment or engagement;
- h. A recommendation that Squash Australia terminate the individual's registration, appointment or engagement;
- i. In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- j. A fine;
- k. Any other form of discipline that the Tribunal considers appropriate.

## 9.2 Organisation

If a finding is made that a Squash Australia member association or affiliated organisation has breached its own or this national MPP, one or more of the following forms of discipline may be imposed by the Tribunal.

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

## 9.3 Factors to consider

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- Nature and seriousness of the breach;
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

## 10. Definitions

These Definitions set 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 those clubs or organisations (howsoever described), which are a member of or affiliated to a member association.

**CEO** means the CEO of an organisation, howsoever described (may include the Executive Officer, General Manager or other similar title).

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

**Child abuse** relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal 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; giving bad nutritional advice; 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).

**Complaint** means a complaint made under Attachment D1 of this policy.

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

**Discrimination** means treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics are:

- Age;
- Disability;
- Family/carer status;
- Gender identity/transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Marital status;
- Physical features;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation;
- Social origin;
- Trade union membership/activity.

Some States and Territories include additional characteristics. Discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services; 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; obtaining or retaining membership of an organisation (including the rights and privileges of membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

Discrimination may be direct or indirect. **Direct discrimination** is treating, or proposing to treat someone less favourably because of a characteristic (such as race, sex, age, etc), in the same or similar circumstances. **Indirect discrimination** is imposing or intending to impose a requirement, condition or practice that is the same for everyone but which has an unequal or disproportionate effect on particular individuals or groups.

*Examples of Discrimination: (Note his or her used interchangeably)*

**Age:** A club refuses to allow an older person to coach a team simply because of their age.

**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 her mild epilepsy.

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

**Gender Identity:** A transgender contract worker is harassed when employees refuse to call her by her female name.

**Homosexuality:** An athlete is ostracised from her team after she tells a team mate that she is a lesbian.

**Marital Status:** A player is deliberately excluded from team activities and social functions because she is single.

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

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

**Sex:** Specialist coaching is only offered to male players in a mixed team or visa versa.

**Harassment** is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. 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.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexuality or other characteristic (see characteristic list under discrimination).

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

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).

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

- holding a competitive sporting activity for females only who are 12 years of age or over where strength, stamina or physique is relevant or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that sporting activity.

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

It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

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.

**Junior** means a person 19 years and under who is participating in a Squash activity in Australia or under control of Squash Australia in Australia or overseas.

**Mediator** means an impartial/neutral 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 protection** is a term used by the Australian sport industry to describe the practices and procedures that protect members – whether individual such as players, coaches and officials, or 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.

**Member Protection Information Officer (MPIO)** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPIO may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it.

**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'

**Natural justice (also referred to as procedural fairness)** incorporates the following principles:

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must be fair.

**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.

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

**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.

**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.

**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.

**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.

**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.

## **PART B: ROLE-SPECIFIC CODES OF CONDUCT**

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Our society expects high standards of behaviour from all people involved in sport and it is vital the integrity of sport is maintained.

Regardless of the nature of involvement in sport, *The Essence of Australian Sport* outlines four guiding principles for appropriate behaviour: Fairness, Respect, Responsibility and Safety. In applying *The Essence of Australian Sport* and enforcing the codes of behaviour below, organisations are endeavouring to provide safe and appropriate environments and quality services to their members, stakeholders and customers.

This Universal Sport Code of Behaviour should be a minimum standard for anyone involved in sport.

### **1. Universal Sport Code of Behaviour**

#### **Fairness**

- a. Operate within the rules and spirit of your sport, promoting fair play over winning at any cost.
- b. Encourage opportunities for participants to learn appropriate behaviours and skills.
- c. Encourage participation in all aspects of the sport.

#### **Respect**

- a. Treat each person as an individual.
- b. Display control, tolerance and courtesy to all involved with the sport.
- c. Value the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

#### **Responsibility**

- a. Ensure interaction with persons under the age of 18 years is appropriate and that unaccompanied and unobserved activities are avoided wherever practical.
- b. Adopt appropriate behaviour in relation to the use of alcohol and recreational and performance enhancing drugs.
- c. Act with integrity and accept responsibility for your actions.

#### **Safety**

- a. Ensure your actions contribute to a safe environment.
- b. Ensure your actions contribute to a harassment free environment.
- c. Do not tolerate violence or abusive behaviours.

### **2. General Code of Behaviour**

As a member of Squash Australia, a member association or an affiliated club or a person required to comply with Squash Australia's MPP, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Squash Australia, a member association or an affiliated club and in any role you hold within Squash Australia, a member association or an affiliated club:

- a. Respect the rights, dignity and worth of others.
- b. Be fair, considerate and honest in all dealing with others.
- c. Be professional in, and accept responsibility for, your actions.
- d. Make a commitment to providing quality service.
- e. Be aware of, and maintain an uncompromising adherence to, Squash's standards, rules, regulations and policies.
- f. Operate within the rules of the sport including national and international guidelines which govern Squash Australia, the member associations and the affiliated clubs.
- g. Do not use your involvement with Squash Australia, a member association or an affiliated club to promote your own beliefs, behaviours or practices where these are inconsistent with those of Squash Australia, a member association or an affiliated club.
- h. Demonstrate a high degree of individual responsibility especially when dealing with persons less than 18 years of age, as your words and actions are an example.
- i. Avoid unaccompanied and unobserved activities with persons less than 18 years of age, wherever possible.
- j. Refrain from any form of harassment of others.

- k. Refrain from any behaviour that may bring Squash Australia, a member association or an affiliated club into disrepute.
- l. Provide a safe environment for the conduct of the activity.
- m. Show concern and caution towards others who may be sick or injured.
- n. Be a positive role model.
- o. Understand the repercussions if you breach, or are aware of any breaches of, this Code of Behaviour.

### **3. Administrator Code of Behaviour**

In addition to Squash Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Squash Australia, a member association or an affiliated club and in your role as an administrator of Squash Australia, a member association or an affiliated club:

- a. Be fair, considerate and honest in all dealings with others. Act honestly, in good faith and in the best interests of the sport as a whole.
- b. be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.
- c. Resolve conflicts fairly and promptly through established procedures.
- d. Maintain strict impartiality.
- e. Be aware of your legal responsibilities.
- f. Ensure that any information acquired or advantage gained from the position is not used improperly.
- g. Conduct responsibilities with due care, competence and diligence.
- h. Do not allow prejudice, conflict of interest or bias to affect your objectivity.

### **4. Coach Code of Behaviour**

In addition to Squash Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Squash Australia, a member association or an affiliated club and in your role as a coach appointed by Squash Australia, a member association or an affiliated club:

- a. Do not tolerate acts of aggression.
- b. Provide feedback to players and other participants in a manner sensitive to their needs. Avoid overly negative feedback. Help each athlete reach their potential - respect the talent, developmental stage and goals of each athlete and compliment and encourage with positive and supportive feedback.
- c. Recognise players' rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).
- d. Treat all players fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status and other conditions. Ensure your actions contribute to a harassment free environment.
- e. Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
- f. Involve the players in decisions that affect them.
- g. Encourage players to respect one another and to expect respect for their worth as individuals regardless of their level of play.
- h. Ensure that the tasks and/or training set are suitable for age, experience, ability, and physical and psychological conditions of the players. Ensure your actions contribute to a safe environment.
- i. Ensure any physical contact with players is appropriate to the situation and necessary for the player's skill development.
- j. Be acutely aware of the power that you as a coach develop with your players in the coaching relationship and avoid any sexual intimacy with players that could develop as a result. Refrain from any form of sexual harassment towards athletes. Any physical contact with a person should be appropriate to the situation and necessary for the player's skill development.
- k. Avoid situations with your players that could be construed as compromising. Ensure interaction with persons under the age of 18 years is appropriate and that unaccompanied and unobserved activities are avoided wherever practical.
- l. Actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances. Adopt appropriate behaviour in relation to the use of alcohol and recreational and performance enhancing drugs.
- m. Do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of your players.

- n. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules. Respect officials' decisions.
- o. Know and abide by rules, regulations and standards, and encourage players to do likewise. Accept both the letter and the spirit of the rules. Operate within the rules and spirit of your sport, promoting fair play over winning at any cost.
- p. Be honest and ensure that qualifications are not misrepresented.
- q. Treat all players with respect at all times. Be fair, considerate, honest and consistent with them. Treat each person as an individual.
- r. Refrain from conduct, which could be regarded as harassment towards your players and other coaches, officials and parents. Display control, tolerance and courtesy to all involved with the sport.
- s. Encourage opportunities for participants to learn appropriate behaviours and skills.
- t. Encourage participation in all aspects of the sport.
- u. Act with integrity and accept responsibility for your actions.

Coaches Code of Behaviour Agreement Form. All Coaches are to sign the Code of Behaviour Agreement Form (See Attachment D1) for accreditation to the National Coaching Accreditation Scheme. Signing the agreement form binds coaches to conform to Squash Australia's Code of Behaviour requirements.

### **5. Official Code of Behaviour**

In addition to Squash Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Squash Australia, a member association or an affiliated club and in your role as an official appointed by Squash Australia, a member association or an affiliated club:

- a. Place the safety and welfare of the players/participants above all else.
- b. Accept responsibility for all actions taken.
- c. Be impartial.
- d. Avoid any situation, which may lead to a conflict of interest.
- e. Be courteous, respectful and open to discussion and interaction. Be consistent, impartial and courteous when making decisions.
- f. Value the individual in sport
- g. Condemn unsporting behaviour and promote respect for all opponents.
- h. Encourage and promote rule changes that will make participation more enjoyable.
- i. Place the safety and welfare of the participants above all else.

Referee Code of Behaviour Agreement Form. All Referees are to sign the Code of Behaviour Agreement Form (See Attachment D2) for accreditation with the National Officiating Accreditation Scheme. Signing the agreement form binds referees to conform to Squash Australia's Code of behaviour requirements.

### **6. Player Code of Behaviour**

In addition to Squash Australia's General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Squash Australia, a member association or an affiliated club and in your role as a player/participant in any activity held by or under the auspices of Squash Australia, a member association or an affiliated club:

- a. Respect the rights, dignity and worth of fellow players, coaches, officials and spectators. Act with integrity and accept responsibility for your actions.
- b. Do not tolerate acts of aggression or abusive behaviours.
- c. Respect the talent, potential and development of fellow players and competitors. Value the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- d. Care for and respect the equipment provided to you as part of your program.
- e. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
- f. At all times avoid intimate relationships with your coach.
- g. Conduct yourself in a professional manner relating to language, temper and punctuality. Display control, tolerance and courtesy to all involved with the sport.
- h. Maintain high personal behaviour standards at all times.
- i. Abide by the rules and respect the decision of the official, making all appeals through the formal process and respecting the final decision. Operate within the rules and spirit of your sport, promoting fair play over winning at any cost.
- j. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team. Give your best at all times.

- k. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level. Respect the decisions of officials, coaches and administrators.
- l. Refrain from conduct, which could be regarded as harassment towards fellow players, coaches and referees. Participate for your own enjoyment and benefit.
- m. Encourage opportunities for participants to learn appropriate behaviours and skills.
- n. Encourage participation in all aspects of the sport.
- o. Treat each person as an individual.
- p. Ensure interaction with persons under the age of 18 years is appropriate and that unaccompanied and unobserved activities are avoided wherever practical.
- q. Adopt appropriate behaviour in relation to the use of alcohol and recreational and performance enhancing drugs.
- r. Ensure your actions contribute to a safe environment.
- s. Ensure your actions contribute to a harassment free environment.

## **7. Parent/Guardian Code of Behaviour**

As a parent/guardian of a player/participant in any activity held by or under the auspices of Squash Australia, a member association or an affiliated club, you must meet the following requirements in regard to your conduct during any such activity or event:

- a. Respect the rights, dignity and worth of others.
- b. Remember that your child participates in sport for their own enjoyment, not yours.
- c. Focus on your child's efforts and performance rather than winning or losing.
- d. Never ridicule or yell at your child and other children for making a mistake or losing a competition. Encourage children to participate and have fun. Focus on the child's effort and performance rather than winning or losing.
- e. Show appreciation for good performance and skilful plays by all players (including opposing players).
- f. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons less than 18 years of age, as your words and actions are an example.
- g. Respect officials' decisions and teach children to do likewise.
- h. Do not physically or verbally abuse or harass anyone associated with the sport (player, coach, umpire and so on).
- i. Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
- j. Be a positive role model.
- k. Understand the repercussions if you breach, or are aware of any breaches of, this Code of Behaviour.

## **8. Spectator Code of Behaviour**

As a spectator in any activity held by or under the auspices of Squash Australia, a member association or an affiliated club, you must meet the following requirements in regard to your conduct during any such activity or event:

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

**Attachment B1**  
**COACHES CODE OF BEHAVIOUR**  
**AGREEMENT FORM**  
**For Accreditation or Re-accreditation to the**  
**National Coaching Accreditation Scheme (NCAS)**

TO: **SQUASH AUSTRALIA**

I, ..... of .....  
Full Name Address  
.....  
Address (cont) Post Code

I am seeking accreditation / re-accreditation (*please circle*) for the following Australian Sports Commission (ASC) coaching qualification:

**SQUASH** Level One / Level Two / Level Three / High Performance (*please circle*)

**I agree to the following terms:**

1. I agree to abide by the Squash Australia Coaches Code of Behaviour.
2. I acknowledge that Squash Australia may take disciplinary action against me, if I breach the Code of Behaviour. I understand that Squash Australia is required to implement a complaints handling procedure in accordance with the principles of natural justice, in the event of an allegation against me.
3. I acknowledge that disciplinary action against me may include de-accreditation from the National Coaching Accreditation Scheme.

**Signed:** ..... (Under 18? - Parent/guardian to sign)

**Name (printed):** ..... **Date:** .....

Please refer to the Squash Australia Member Protection Policy, for further details.

## Attachment B2

### SQUASH AUSTRALIA CODE OF BEHAVIOUR FOR REFEREES. (THE CODE)

Squash Australia requires a high standard of professionalism and conduct from its Referees. These standards are, for a referee:

1. must have natural or corrected vision of 20-20 and normal hearing.
2. must have a full knowledge of the WSF Rules of Squash and their current and correct interpretation.
3. should be a positive role model in personal appearance. When officially attending matches, referees should wear either a state or national referee's shirt or a sponsor's shirt if one is provided.
4. should arrive at least 30 minutes prior to a session, and be prompt for all assigned matches.
5. must not drink any alcohol within 8 hours before any match on the day they are to officiate.
6. will not officiate in any match in which the referee has a relationship with one of the players which might be considered a conflict of interest so as to cast doubt on the referee's impartiality.
7. should not criticise or attempt to explain calls or decisions by other referees to anyone other than to those referees directly, or to the Tournament Referee. Where referees are appointed to conduct assessments on other referees, these should be done discreetly and must be authorised by the Tournament Referee.
8. shall not enter into any wager in connection with any squash event.
9. shall at all times act in a professional and ethical manner and give due regard to players, sponsors, other referees and tournament personnel.
10. shall not participate in a media interview or meeting with a journalist where statements relating to squash refereeing can be printed or broadcast without the approval of the Tournament Referee.
11. must maintain an activity log, which will be reviewed on a regular basis.
12. must value the individual in sport, must place the safety and welfare of the participants above all else and must show concern and caution towards sick and injured players.
13. must accept responsibility for all actions taken.
14. must at all times respect and value the property of a tournament (e.g. balls, microphone, clothing). This includes both honesty in returning property and due care in using such items.
15. must be courteous and respectful and be open to discussion and interaction.
16. must encourage inclusivity and access to all areas of officiating.
17. must refrain from any form of sexual harassment, personal abuse or discrimination towards players.
18. should seek continual self-improvement through study, performance appraisal and regular updating of competencies.

I agree to abide by all the conditions in the Squash Australia Code of Behaviour for Referees. A breach of this Code may result in disciplinary action being taken.

**Signed:** ..... (Under 18? - Parent/guardian to sign)

**Name (printed):** ..... **Date:** .....

## **PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

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### **1. Background**

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

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Northern Territory government has passed new laws and screening will be compulsory from January 2010. The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our national, state or club, Member Protection Policies.

The following attachments provide:

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

**Attachment C1: SCREENING REQUIREMENTS** [for States/Territories without working with children checks such as ACT and Tasmania]

This attachment sets out the screening process for people in Squash Australia who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

Squash Australia will, and also requires state associations and clubs to:

1. Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed Member Protection Declaration (MPD) (Attachment C2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD isn't provided or it reveals that the person doesn't satisfactorily meet any of the clauses in the MPD. We will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 to sign a consent form for a national police check.
6. Possibly request (or ask the person to request) a national 'Part Exclusion' police check from our relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, we will provide an opportunity for the person to give an explanation, and then we will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If unsatisfied we will not appoint them to the role/position.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under our policy. If unsatisfied, we will not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information the club has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, we will complete the check as soon as possible, and if necessary, act immediately on the outcome.
9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

**Attachment C2: MEMBER PROTECTION DECLARATION**

Squash Australia has a duty of care to all those associated with the sport at the national level and to the individuals and organisations to whom the Squash Australia Member Protection Policy applies. As a requirement of Squash Australia's Member Protection Policy, Squash Australia must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

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, acts of violence or the use or distribution of illicit drugs.
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 the use or distribution of illicit drugs.
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 Squash Australia may consider to constitute as a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the President or his nominee of 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 .....

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**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: .....

## Attachment C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

The following information was updated in April 2009. It is subject to change at any time.

### 1. **QUEENSLAND**

A person will need a Working with Children Check, also known as the **blue card**, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a "blue card." Volunteers and paid employees employed in sporting organisations generally fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the blue card, **employers** must develop and implement a written child protection risk management strategy and review it each year.

For more information on the blue card, including current forms:

- [www.ccytg.qld.gov.au](http://www.ccytg.qld.gov.au)
- 1800 113 611

### 2. **NEW SOUTH WALES**

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

1. **Ensuring** all paid and unpaid employees sign a **Prohibited Employment Declaration** which states they are not prohibited from working with children.
2. **Submitting** all applicants for **paid** employment to NSW Sport and Recreation for a WWCC background check. NSW Sport and Recreation only carries out checks for paid employees.
3. **Reporting** relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child/ren.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with NSW Sport and Recreation, providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months.

For more information, including the required forms:

- [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) or 02 9286 7219
- [www.dsr.nsw.gov.au/children/resources.asp](http://www.dsr.nsw.gov.au/children/resources.asp) or 02 9006 3700

### 3. **WESTERN AUSTRALIA**

The Working with Children Check (WWC Check) is a compulsory and rigorous criminal record check for certain people who carry out 'child-related work' in WA. A person is in 'child-related work' if the usual duties of their work involves, or is likely to involve contact with a child in connection with specified categories of work (see the website below for further details) It includes child-related work carried out by paid employees, volunteers, unpaid people and the self-employed. Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however they should still be required to complete the non-WWC Check screening process. There are other exemptions, for example volunteers under 18 years old. Further details about exemptions can be found on the website below. Only those in child-related work under the Act may apply.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-ordinators.

For more information:

- [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or call 1800 883 979 (toll free)

#### **4. VICTORIA**

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *assessment notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

For more information:

- [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren) or 1300 652 879

#### **5. SOUTH AUSTRALIA**

There are provisions under the *Children's Protection (Miscellaneous) Amendment Act 2005* that apply to non-government and volunteer organisations that are entrusted with the care of children or who regularly come into contact with children. These provisions require organisations to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected, and to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Be aware that criminal history reports are likely to be introduced and mandatory for some positions in sporting organisations from 2010/2011.

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspected child abuse and/or neglect.

For more information:

- [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes) or 08 8226 7000

#### **6. NORTHERN TERRITORY**

From January 2010, all persons employed in child related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organisations that deal with children are subject to the provisions of SAFE NT.

Clearance notices are valid for two years from date of issue unless revoked, and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

For more information contact 1800 SAFE NT (1800 723 368)

## **PART D: COMPLAINT HANDLING PROCEDURES**

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

### **Complaints Procedure**

2. The complaints procedure is detailed at Attachment D1 to this Policy.

### **Mediation Procedure**

3. The Mediation procedure is detailed at Attachment D2 to this Policy.

### **Investigation Procedure**

4. The investigation procedure is detailed at Attachment D3 to this Policy.

### **Investigation Procedure for Allegations of Child Abuse**

5. The investigation procedure for allegations of child abuse is detailed at Attachment D4 to this Policy.

### **Hearings and Appeals Tribunal Procedure**

6. Procedures for hearings and appeals for matters related under this Policy are detailed at Attachment D5 to this Policy.

### **Disciplinary Measures**

7. Disciplinary measures relating to matters under this Policy are detailed at Attachment D6 of this Policy

## Attachment D1: COMPLAINTS PROCEDURE

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

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

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

### INFORMAL APPROACHES

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

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

#### Step 2: Contact a Member Protection Information Officer

Talk with one of our MPIOs if:

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

A list of our sport's State & Territory Association contact details is displayed at the commencement of this Policy, additionally a list of the MPIOs known to Squash Australia is available from the Squash Australia website where this MPP is displayed.

The MPIO will:

- take confidential notes about your complaint;
- try to find out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so;
- maintain confidentiality.

#### Step 3: Outcomes from initial contact

After talking with the MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such as a MPIO); or
- to seek a mediated resolution with the help of a third person (such as a mediator); or
- to seek a formal approach.

### FORMAL APPROACHES

#### Step 4: Making a Formal complaint

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

- make a formal complaint in writing to the relevant organisation's Secretary/ General Manager/ Executive Officer/ CEO or
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the organisation's Secretary/ General Manager/ Executive Officer/ CEO will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to appoint a person to **investigate** (gather more information on) the complaint;
- to refer the complaint to mediation;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or

- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the organisation's Secretary/ General Manager/ Executive Officer/ CEO will take into account:

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

If the organisation's Secretary/ General Manager/ Executive Officer/ CEO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

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

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

- A person appointed under Step 4 will conduct an investigation and provide a written report to the organisation's Secretary/ General Manager/ Executive Officer/ CEO who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with Attachment D2 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings Tribunal, the hearing will be conducted in accordance with Attachment D5;
- If the complaint is referred to the police or other appropriate authority, the relevant organisation or Squash Australia will use its best endeavours to provide all reasonable assistance required by the police or other authority.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are dealt with above in the clause titled *Complaints*.

#### **Step 6: Reconsideration of initial outcome/investigation or appeal**

If, under the formal complaint process, mediation is unsuccessful, you may request that organisation's Secretary/ General Manager/ Executive Officer/ CEO reconsider the complaint in accordance with **Step 4**.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in Attachment D5.

#### **Step 7: Documenting the resolution**

The organisation's Secretary/ General Manager/ Executive Officer/ CEO will document the complaint, the process and the outcome, with as necessary report inclusions by others involved in the process ie; Tribunal Chairman, Investigator, Mediator or MPIO. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

### **EXTERNAL APPROACHES**

There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

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

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

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

## Attachment D2: MEDIATION

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by Squash Australia.

1. If mediation is chosen, the organisation's Secretary/ General Manager/ Executive Officer/ CEO will, under the direction of the relevant organisation or Squash Australia and in consultation with the complainant and the respondent(s), arrange for a mediator.
2. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
3. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. At the end of a successful mediation, the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - a. Write to organisation's Secretary/ General Manager/ Executive Officer/ CEO to request that they reconsider the complaint in accordance with **Step 4**; or
  - b. Approach an external agency such as an anti-discrimination commission.
6. Mediation will **not** be recommended if:
  - a. The respondent has a completely different version of the events and will not deviate from these;
  - b. The complainant or respondent are unwilling to attempt mediation;
  - c. Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
  - d. The matter involves proven serious allegations, regardless of the wishes of the Complainant.

### Attachment D3: INVESTIGATION PROCESS

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

1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
  - 1.1 Interview the complainant and record the interview in writing.
  - 1.2 Convey full details of the complaint to the respondent (s) so that they can respond.
  - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
  - 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
  - 1.5 Make a finding as to whether the complaint is:
    - substantiated (there is sufficient evidence to support the complaint);
    - inconclusive (there is insufficient evidence either way);
    - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
    - mischievous, vexatious or knowingly untrue.
  - 1.6 Provide a report to the organisation's representative who appointed the Investigator documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).
4. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment D5.

## Attachment D4: INVESTIGATION PROCEDURE - CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in Squash Australia in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State or Territory government agencies.

### Step 1 – Initial Receipt of an Allegation

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

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

### Step 2 – Report allegations

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the organisation's Secretary/ General Manager/ Executive Officer/ CEO so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

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

- The organisation's Secretary/ General Manager/ Executive Officer/ CEO will assess the risks and take interim action to ensure the child's/children's safety. Actions the organisation may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The Secretary/ General Manager/ Executive Officer/ CEO will consider the kind of support that the child/ren and parents may need (e.g. counselling, helplines, support groups).
- The Secretary/ General Manager/ Executive Officer/ CEO will address the support needs of the alleged offender.
- The Secretary/ General Manager/ Executive Officer/ CEO will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

### Step 4 – Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
  - Criminal (conducted by police)
  - Child protection (conducted by child protection authority)
  - Disciplinary or misconduct (conducted by the Squash organisation)

- Irrespective of the findings of the child protection and/or police inquiries, the Squash organisation will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be in accord with the MPP, ie a Tribunal or the organisation's Secretary/ General Manager/ Executive Officer/ CEO of Squash Australia and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined above in Disciplinary Matters of this policy will be followed.
- If disciplinary action is taken, Squash Australia will advise and provide a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

## Attachment D5: HEARINGS & APPEALS TRIBUNAL PROCEDURE

The following will be followed by hearings tribunals established by Squash Australia to hear national member protection related complaints.

### Preparation for Tribunal Hearing

1. A Tribunal Panel will be constituted following the rules outlined in Squash Australia's Articles and Regulation - Disciplinary Matters, to hear a complaint that has been referred to it by Squash Australia's CEO or Board of Directors. The number of Tribunal members required to be present throughout the hearing will be three.
2. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the CEO relating to the complaint/allegations.
3. The Tribunal will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare their case for the hearing.
4. The Tribunal will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
5. The CEO will inform the respondent(s) in writing that a tribunal hearing will take place. The notice will outline:
  - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
  - Details of the complaint, details of all allegations and the clause of any policy or rule allegedly breached;
  - The date, time and venue of the tribunal hearing;
  - That they can make either verbal or written submissions to the Tribunal;
  - That they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal);
  - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
  - That legal representation will not be allowed.
  - If the respondent is a minor, they should have a parent or guardian present.]

A copy of any information / documents that have been given to the Tribunal (e.g. investigation report findings) will also be provided to the respondent.

The respondent(s) will be allowed to participate in all Squash Australia activities and events, pending the decision of the Tribunal, including any available appeal process, unless the CEO believes it is necessary to exclude the respondent(s) from all or some Squash Australia activities and events, after considering the nature of the complaint.

6. The CEO will notify the complainant in writing that a tribunal hearing will take place. The notice will outline:
  - That the person has a right to appear at the tribunal hearing to support their complaint;
  - Details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
  - The date, time and venue of the tribunal hearing;
  - That they can make either verbal or written submissions to the Tribunal;
  - That they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend); and
  - That legal representation will not be allowed.
  - If the respondent is a minor, they should have a parent or guardian present.]

A copy of any information / documents that have been given to the Tribunal (e.g. investigation report findings) will also be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CEO as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.
8. It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).

### Tribunal Hearing Procedure

9. The following people will be allowed to attend the Tribunal Hearing:
  - The Tribunal members;

- The respondent(s);
  - The complainant;
  - Any witnesses called by the respondent;
  - Any witnesses called by the complainant;
  - Any parent / guardian or support person required to support the respondent or the complainant.
10. If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
  11. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.
  12. The Tribunal Chairperson will inform the CEO of the need to reschedule, and the CEO will organise for the Tribunal to be reconvened.
  13. The Tribunal Chairperson will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.
  14. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures (penalty).
  15. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
    - Reference may be made to brief notes.
    - The complainant may call witnesses.
    - The respondent(s) may question the complainant and witnesses.
  16. The respondent(s) will then be asked to respond to the complaint.
    - Reference may be made to brief notes.
    - The respondent may call witnesses.
    - The complainant may ask questions of the respondent and witnesses.
  17. Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until required.
  18. The Tribunal may:
    - Consider any evidence, and in any form, that it deems relevant.
    - Question any person giving evidence.
    - Limit the number of witnesses presented to those who provide any new evidence.
    - Require the attendance of any witness it deems relevant;
    - Act in an inquisitorial manner in order to establish the truth of the issue/case before it.
  19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
  20. If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone, the Chairperson may stop further involvement of the person in the hearing.
  21. After all of the evidence has been presented the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has been substantiated on the balance of probabilities (i.e. more probable than not). As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent will be given an opportunity to address the Tribunal on disciplinary measures which might be imposed. Disciplinary measures imposed must be reasonable in the circumstances.
  22. All Tribunal decisions will be by majority vote.
  23. The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form.
  24. Within 48 hours, the Tribunal Chairperson will:
    - Forward to the CEO a copy of the Tribunal decision including any disciplinary measures imposed.
    - Forward a letter to the respondent(s) reconfirming the Tribunal decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an

appeal .Where the matter is of unusual complexity or importance, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.

25. The Tribunal does not need to provide written reasons for its decision.

### **Appeals Procedure**

26. A complainant or a respondent(s) who is not satisfied with the decision of a Complaints Manager, the outcome of mediation or a Tribunal decision can lodge one appeal to Squash Australia on one or more of the following bases:
- 26.1 That a denial of natural justice has occurred; or
  - 26.2 That the disciplinary measure(s) imposed is unjust and/or unreasonable.
  - 26.3 That the decision was not supported by the information/evidence provided to the Complaints Manager/Mediator/Tribunal;
27. A person wanting to appeal in accordance with clause 25 must lodge a letter setting out the basis for their appeal with the CEO within seven (7) days of the relevant decision. An appeal fee of \$200 shall be included with the letter of intention to appeal.
28. If the letter of appeal and fee is not received within the seven day time period the right of appeal lapses.
29. The letter of appeal and copy of tribunal decision report will be forwarded to the CEO to review and decide whether there are sufficient grounds for the appeal to proceed. The Appeal Committee may invite any witnesses to the meeting it believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for appeal in accordance with clause 25, then the appeal will be rejected and the appeal fee will be forfeited. The appellant will be notified with reasons.
31. If the appeal is accepted an Appeal Tribunal with a new panel will be convened to rehear the complaint, and the appeal fee will be refunded.
32. The Tribunal Procedure shall be followed for the appeal.
33. The decision of an Appeal Tribunal will be final.

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

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1. To assist in consistency and accuracy in following procedure and reporting on the issues covered by Squash Australia's Member protection Policy, the following documents are to be used:

- a. E1 Confidential Record of Informal Complaint – to be used by MPIO or others who receive a complaint or allegation
- b. E2 Confidential Record of Formal Complaint – to be used when a formal complaint is received by Squash Australia
- c. E3 Confidential Record of Child Abuse Allegation – to be used by MPIO or others who receive complaints/allegations of child abuse
- d. E4 Record of Mediation – to be used by those who conduct mediation
- e. E5 Record of Tribunal Decision

2. General principles to be followed when completing a report of a complaint:

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

**Attachment E1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT**

CEO/MPIO Name		Date: / /
Complainant's Name	<input type="checkbox"/> Over 18 <span style="margin-left: 200px;"><input type="checkbox"/> Under 18</span>	
Role/status in Squash	<input type="checkbox"/> Administrator (volunteer) <span style="margin-left: 100px;"><input type="checkbox"/> Parent</span> <input type="checkbox"/> Athlete/player <span style="margin-left: 100px;"><input type="checkbox"/> Spectator</span> <input type="checkbox"/> Coach/Assistant Coach <span style="margin-left: 100px;"><input type="checkbox"/> Support Personnel</span> <input type="checkbox"/> Employee (paid) <span style="margin-left: 100px;"><input type="checkbox"/> Other</span> <input type="checkbox"/> Official.....	
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment                      or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other .....	
Feelings expressed by complainant (completing this may help to separate emotional content from facts)		
What they want to happen to fix issue		
Information the CEO/ MPIO provided to complainant		
What they are going to do now		

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the CEO Squash Australia.



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 Squash Australia:  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).



**Attachment E4: RECORD OF MEDIATION**

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

Copies to the complainant, respondent and appropriate Squash Australia file

**Attachment E5: RECORD OF TRIBUNAL DECISION**

Complainant's Name		Date Formal Complaint Received: / /
Role/status in Squash	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official.....	
Name of person complained about		
Role/status in Squash	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official.....	
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category)	<input type="checkbox"/> Harassment                      or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other .....	
Methods (if any) of attempted informal resolution		
Support person (if any)		
Tribunal Members		
Tribunal Hearing Date and venue		
Tribunal Decision (attach report)		
Action recommended and any follow up report required		
Decision Appealed		
Date of Appeal lodged		
Appeal Hearing Date		
Appeal Decision (attach report)		
Action Recommended		
Completed by	Name:  Position in Squash Australia:  Signature: / /	
Signed by:	Complainant  Respondent	