



Australian Professional Skaters' Association Incorporated

NATIONAL MEMBER PROTECTION POLICY

Version 7

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PREFACE

- The Australian Professional Skaters' Association Inc (herein known as APSA Inc) is committed to providing an environment that is safe for children, that is free from harassment, discrimination and abuse for everyone, and promotes respectful and positive behaviour and values.
- This policy provides a code of behaviour forming the basis of appropriate and ethical conduct, which everyone must abide by.
- The President of APSA Inc. is committed to ensuring that everyone associated with APSA Inc. complies with this policy.

A handwritten signature in black ink, appearing to read 'M. MacDonald'.

Monica MacDonald OLY

President APSA Inc

Date 1st March 2020

Review history of APSA inc. Member Protection Policy

VERSION	DATE REVIEWED	DATE ENDORSED	CONTENT REVIEWED / PURPOSE
One			- Required constitution changes to be put in place
Two	October 2010	29th Nov 2010	- Update and bring in line with the constitution
Three	26th May 2011	26th May 2011	- Addition of Attachments B4,B5,B6 for the purpose of ensuring our members have a clear understanding of the types of solicitation
Four	30th Oct 2011	30th Oct 2011	- To ensure visiting coaches meet the Child Protection Requirements
Five	24th Nov 2012	24th Nov 2012	<ul style="list-style-type: none"> - Amendment of the Filing fee - D2 - Update of the Member Protection Declaration C2 to include volunteers of Affiliated State Member Coaches and visiting coaches to Australia - Update of Position Policies 6.1 and 6.5 - 6.10 as templated by the Australian Sports Commission - Update of Part E Reporting Requirements for each State.
Six	21st Aug 2013	21st Aug 2013	- Correction to Point 3 of Attachment B2 - Code of Ethics that had been previously approved by APSA committee
Seven	January 2020		<ul style="list-style-type: none"> - Amendments made in line with Government Legislations. - combination of code of ethics and behaviour - References to specific attachment numbers changed to Attachment section for ease of future updates - inclusion of 3.6 State member associations - Reference to MPIO changed to Complaints Officer in line with amendments to the constitution - APSA committee amended to APSA management committee in line with amendments to the constitution - Part C updated as ALL States and Territories now have WWC procedures in place - Attachment C2 updated to include sighting of identification - Attachment C3 updated with current website address for each State and Territory - addition of clause in reference to the filing fee - Attachment D2 changed from requiring original and 2 copies to original and 1 copy - Contact details to advice or report an allegation of child abuse updated for each State and Territory - Addition of C1, D5, D6

PART A: NATIONAL MEMBER PROTECTION POLICY

1. Introduction

APSA's mission statement is Striving for Excellence in Coaching.

2. Purpose of this policy

This APSA Inc. Member Protection Policy ("policy") aims to assist us to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person bound by the policy is treated with respect and dignity and protected from discrimination, harassment and abuse. It also seeks to ensure that everyone involved in our sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The attachments to this policy describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, the policy allows APSA Inc. to take disciplinary action against any person or organisation bound by this policy if they breach the policy.

This policy has been endorsed by the APSA Inc. Committee and has been incorporated into our constitution. The policy starts on 1st March 2020 and will operate until replaced.

The current policy and its attachments can be obtained from our website at:

www.apsa.net.au

This policy is supported by Member Protection Policies that have been adopted and implemented by our member associations.

3. Who is bound by this policy

This policy should apply to as many persons as possible who are involved with the activities of APSA Inc., whether they are in a paid or unpaid/voluntary capacity

- 3.1 persons appointed or elected to National and State boards, committees and sub-committees
- 3.2 support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- 3.3 coaches and assistant coaches;
- 3.4 athletes;
- 3.5 referees, umpires and other officials;
- 3.6 APSA Inc. member associations
- 3.7 members of state member associations including life members and/or honorary members
- 3.7 athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by APSA Inc., and;
- 3.8 any other person to whom the policy may apply.

This policy will continue to apply to a person even after he or she has stopped their association or employment with APSA Inc, if disciplinary action against that person has begun.

It is also intended this policy will apply to:

- 3.12 member associations

4. Organisational responsibilities

APSA Inc. and its member associations must:

- 4.1 adopt, implement and comply with this policy
- 4.2 ensure that this policy is enforceable
- 4.3 publish, distribute and promote this policy and the consequences of any breaches of the policy
- 4.4 promote and model appropriate standards of behaviour at all times
- 4.5 deal with any complaints made under this policy in an appropriate manner
- 4.6 deal with any breaches of this policy in an appropriate manner
- 4.7 recognise and enforce any penalty imposed under this policy

- 4.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour [e.g. Member Protection Information Officers, Complaints Officer).
- 4.10 monitor and review this policy at least annually.

5. Individual responsibilities

Individuals bound by this policy must:

- 5.1 make themselves aware of the contents of this policy;
- 5.2 comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy ;
- 5.3 consent to the screening requirements set out in this policy, and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 or where otherwise required by law;
- 5.4 place the safety and welfare of children above other considerations;
- 5.5 be accountable for their behaviour: and,
- 5.6 comply with any decisions and/or disciplinary measures imposed under this policy.

6. Position statements

6.1 Child protection

APSA Inc. is committed to the safety and well-being of all children and young people who participate in our sport or access our services. We support the rights of the child and will act at all times to ensure that a child-safe environment is maintained.

We acknowledge the valuable contribution made by our members, coaches and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

6.1.1 Identify and analyse risk of harm

We will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

6.1.2 Develop codes of behaviour

We will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to the attachments in Part B of this policy.)

6.1.3 Choose suitable employees and volunteers

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers of APSA Inc. who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

6.1.4 Support, train, supervise and enhance performance

We will ensure that all our members, coaches and volunteers who work with children have ongoing supervision, support and training. Our goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our sport.

6.1.5: Empower and promote the participation of children

We will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

6.1.6: Report and respond appropriately to suspected abuse and neglect

We will ensure that all our members, coaches and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this policy.)

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint to us. (Refer to the attachments in Part D of this policy.)

6.2 Taking images of children

There is a risk that Images of children may be used inappropriately or illegally. APSA Inc. 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. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our sport.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child's parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

6.3 Anti-discrimination and harassment

APSA Inc. is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

6.3.1 Discrimination Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. The full list of protected personal characteristics is in the "Definitions" set out in the Dictionary of Terms.

Discrimination can be either direct or indirect.

- **Direct** discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect** discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining discrimination, the offender's awareness and motive are irrelevant.

6.3.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

6.3.3 Prohibition against discrimination and harassment

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out in the Dictionary of Terms *[see clause 10]*.

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

6.4 Intimate relationships

APSA Inc. understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation.

We take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and
- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the Member Protection Information Officer, *Complaints Manager or President* to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional we may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the Member Protection Information Officer, *Complaints Manager or President*. Our complaints procedure is outlined in Part D of this policy.

6.5 Pregnancy

APSA Inc. is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.

APSA Inc. will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with *APSA Inc.*

We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.6 Gender identity

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

6.6.1 Gender identity discrimination and harassment

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Dictionary of terms).

APSA Inc. is committed to providing a safe, fair and inclusive sporting environment all where people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual. (Refer to the attachments in Part D of this policy.)

We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

6.6.2 Participation in sport

APSA Inc. recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

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

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

6.6.3. Intersex status

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. (See Dictionary of terms).

APSA Inc. is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

6.7 Responsible service and consumption of alcohol

APSA Inc. is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that our members and coaches follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- alcohol-free social events be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
- a staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

6.8 Smoke-free environment

is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

- no smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field.

6.9 Bullying

APSA Inc. is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our sport.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. APSA Inc. will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

6.10 Social networking

APSA Inc. acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- must not contain material which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.

7. Complaints procedures

7.1 Handling complaints

APSA Inc. aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of this policy.

In the first instance, complaints should be reported to the Complaints Officer or President.

If a complaint relates to behaviour or an incident that occurred at the:

- *club or state level, or involves people operating at the club or state level, then the complaint should be reported to and handled by the relevant state association in the first instance with guidance from APSA Inc.;*

Matters that relate to, or which occurred at:

- a national or International competition (including benchmark events), seminar, training camp etc
- involves people operating at the national or international level,
- serious cases referred from the state and club level,
- any complaint that may lead to probation or suspension

should be dealt with by APSA Inc.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the Complaints Officer, President should consider whether that is an appropriate way to handle the particular complaint.. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Part D of this Policy.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

If there is a perceived conflict of interest with the Complaints Officer or President during the complaint handling process they MUST immediately remove themselves from the process and where applicable forward the complaint to APSA Inc. to investigate.

7.2 Improper complaints and victimisation

APSA Inc. aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the Complaints Officer and / or President considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the APSA Inc. Committee for review and appropriate action, including possible disciplinary action against the complainant.

7.3 Mediation

APSA Inc. aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the Complaints Officer will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to participate in the mediation process.

More information on the mediation process is outlined in Part D of this Policy.

7.4 Tribunals

In accordance with APSA Inc. rules a Tribunal may be convened to hear a proceeding:

- referred to it by the President or Complaints Officer
- *referred to it or escalated by a state association because of the serious nature of the complaint, because it was unable to be resolved at the state level or because the policy of the state association directs it to be*
- *for an alleged breach of this policy.*

Our Tribunal procedure is outlined in Part D of this Policy.

A respondent may lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Part D of this Policy.

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

8. What is a breach of this policy?

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

- 8.1 breaching the codes of behaviour (see Part B of this policy);
- 8.2 bringing the sport, APSA Inc / and or it's member associations into disrepute, or acting in a manner likely to bring the sport, APSA Inc and / or it's member associations into disrepute;
- 8.3 failing to follow APSA Inc. policies (including this policy) and our procedures for the protection, safety and well-being of children;
- 8.4 discriminating against, harassing or bullying (including cyber-bullying) any person;
- 8.5 victimising another person for making or supporting a complaint;
- 8.6 engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- 8.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 8.8 disclosing to any unauthorised person or organisation any APSA Inc. information that is of a private, confidential or privileged nature;
- 8.9 making a complaint that they know to be untrue, vexatious, malicious or improper;
- 8.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

9. Disciplinary measures

APSA Inc. may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable;
- applied consistent with any contractual and employment rules and requirements;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined in accordance with our constituent documents, by-laws, this policy and/or the rules of the sport.
-

9.1 Individual

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.

- 9.1.1 a direction that the individual make a verbal and/or written apology;
- 9.1.2 a written warning;
- 9.1.3 a direction that the individual attend counselling to address their behaviour;

- 9.1.4 a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by APSA Inc. and/or it's State Members
- 9.1.5 a demotion or transfer of the individual to another location, role or activity;
- 9.1.6 a suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 termination of the individual's membership, appointment or engagement;
- 9.1.8 a recommendation that APSA Inc. terminate the individual's membership, appointment or engagement;
- 9.1.9 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;
- 9.1.10 a fine;
- 9.1.11 any other form of discipline that APSA Inc. considers appropriate.

9.2 Organisation

If a finding is made that has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by APSA Inc. Committee, tribunal or President.

- 9.2.1 a written warning;
- 9.2.2 a fine;
- 9.2.3 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;
- 9.2.4 a direction that any funding granted or given to it by the APSA Inc. cease from a specified date;
- 9.2.5 a direction that APSA Inc. cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 a recommendation to APSA Inc. that its membership of APSA Inc. be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 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:

- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of the policy
- the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- if there have been any relevant prior warnings or disciplinary action
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- any other mitigating circumstances.

10. Dictionary of terms

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

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

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

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

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

Complaint means a complaint made under clause 7.

Complainant means a person making a complaint.

Complaint Handler/Manager/ Officer means a person appointed under this policy to investigate a Complaint

Discrimination means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). The characteristics covered by discrimination law across Australia are:

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

(Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above).

Examples of Discrimination

- Age: A club refuses to allow an older person to coach a team simply because of age.
- Breastfeeding: A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
- Disability: A junior athlete is overlooked because of 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 coach is harassed when other coaches refuse to call her by her female name.

- **Homosexuality:** An athlete is ostracised from her team after it becomes known 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 a squad when she becomes pregnant.
- **Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
- **Sex:** Specialist coaching is only offered to male players in a mixed team.

Harassment is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under discrimination). It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal. 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 under 12 years of age or of any age 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 particular sporting activity.

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

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

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

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

Member means any one who has paid membership to an affiliated State Member of APSA Inc.

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.

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 pre-employment, pre-engagement or current employment background check on a person.

This policy means 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 act
- * 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 such a person.

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

ATTACHMENT B1: APSA Inc. CODE OF ETHICS / BEHAVIOUR

<div>National Coaching Accreditation Scheme</div> <div></div>	<div>Coach's code of ethics / behaviour</div>	<div></div>
1. Respect the rights, dignity and worth of every human being.	<div>- Within the context of the activity, treat everyone equally regardless of sex, disability, ethnic origin or religion.</div>	
2. Ensure the athlete's time spent with you is a positive experience.	<div>- All athletes are deserving of equal attention and opportunities.</div>	
3. Treat each athlete as an individual.	<div><div>- Respect the talent, development stage and goals of each individual athlete.'</div><div>- Help each athlete reach their full potential.</div></div>	
4. Be fair, considerate and honest with athletes.		
5. Be professional and accept responsibility for your actions.	<div><div>- Language, manner, punctuality, preparation and presentation should display high standards.</div><div>- Display control, respect, dignity and professionalism to all involved with the sport - this includes opponents, coaches, officials, administrators, volunteers, parents and spectators.</div><div>- Encourage your athletes to demonstrate the same qualities.</div></div>	
6. Make a commitment to providing a quality service to your athletes.	<div><div>- Maintain or improve your current NCAS accreditation.</div><div>- Seek continual improvement through performance appraisal and ongoing coach education.</div><div>- provide a training program which is planned and sequential.</div><div>- Maintain appropriate records.</div></div>	
7. Operate within the rules and spirit of your sport.	<div><div>- The guidelines of national and international bodies governing our sport should be followed. Please contact your sport for a copy of its rule book, constitution, by-laws, relevant policies, e.g Anti-doping Policy, selection procedures etc.</div><div>- Coaches should educate their athletes on drugs in sport issues in consultation with the Australian Sports Drug Agency (ASDA)</div></div>	
8. Any physical contact with athletes should be:	<div><div>- Appropriate to the situation.</div><div>- Necessary for the athlete's skill development.</div></div>	
9. Refrain from any form of persona abuse towards your athletes.*	<div><div>- This includes verbal, physical and emotional abuse.</div><div>- Be alert to any forms of abuse directed towards your athletes from other sources whilst they are in your care.</div></div>	
10. Refrain from any form of harassment towards your athletes.*	<div><div>- This includes sexual and racial harassment, racial vilification and harassment on the grounds of disability.</div><div>- You should not only refrain from initiating a relationship with an athlete, but should also discourage any attempt by an athlete to initiate a sexual relationship with you, explaining the ethical basis of your refusal.</div></div>	
11. Provide a safe environment for training and competition.	<div><div>- Ensure equipment and facilities meet safety standards.</div><div>- Equipment, rules, training and the environment need to be appropriate for the age and ability of the athlete.</div></div>	
12. Show concern and caution towards sick and injured athletes.	<div><div>- Provide a modified training program where appropriate.</div><div>- Allow further participation in training and competition only when appropriate.</div><div>- Encourage athletes to seek medical advise when required.</div><div>- Maintain the same interest and support towards sick and injured athletes.</div></div>	
13. Be a positive role model for your sport and athletes.		

* Please refer to the Harassment - Free Sport Guidelines available from the Australian Sports Commission, for more information on harassment issues.

Coaches should.....

- be treated with respect and openness
- have access to self-improvement opportunities.
- be honest and do not allow your qualifications or coaching experience to be misrepresented.
- be matched with a level of coaching appropriate to their level of competence.
- respect the rights of skaters to seek instruction or take lessons, from the coach of their choice.
- it is recommended that out of courtesy a coach will check with any previous coach to ensure that all previous lesson fees have been paid prior to accepting a student that is changing from another coach.
- shall not solicit students of another coach, directly or indirectly or through third parties for lessons or instruction.
- shall dress neatly in a clean and appropriate manner as becoming a member of their profession.

PART B: CODES OF BEHAVIOUR

We seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behaviour.

Our codes of behaviour are underpinned by the following core values.

- To act within the rules and spirit of our sport.
- To display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- To prioritise the safety and well-being of children and young people involved in our sport.
- To encourage and support opportunities for participation in all aspects of our sport.

ATTACHMENT B2 - AVOIDING CONFLICT OF INTEREST

The purpose of this document is:

- (i) To demonstrate the high ethical standards that governs the Australian Professional Skaters' Association Inc. (herein known APSA Inc.) and all of its activities.
- (ii) To inspire public and internal confidence in the fairness, honesty and integrity of APSA Inc.

My personal Ethical Commitment to APSA Inc.

All who involve themselves with the APSA Inc. in any capacity shall be deemed to agree that avoiding conflict of interest is a commitment to be observed and honoured as if expressed in a written document, solemnly signed by the involved person, and containing the following provisions:

1. I agree to avoid conflict of interests when deciding whether to accept any other non- APSA Inc. position relating to the activities of the APSA Inc. and state member associations. The "other position" could be, but not limited to one with a Club, State Association or the National Sporting Organisation, and the position could be permanent, temporary, remunerated or voluntary.
2. If such "other positions" could reasonably appear to other members of APSA Inc. state member associations, to the general public or to the skaters to be an improper conflict, the member concerned should decline to accept the offered position.
3. I agree to abstain from making or influencing decisions involving personal or family gain or public acclaim.
4. I will act with absolute independence, which includes favouritism for or prejudice against, any member, coach, skater or his/her family members.
5. I agree to strict observance of the confidentiality of non-public APSA Inc. and/or state member association's information or when law, or the APSA INC. and/or member prohibit disclosure Association's Constitution or Regulations.
6. I agree to prompt disclosure of my personal interest in any situation that could reasonably be considered to involve a conflict of interest.
7. I agree to avoid evaluating, voting upon, or in any other way influencing, directly or indirectly, any decision respecting possible conflict of interest (direct or indirect) on my part. I agree to withdraw from the room during any discussion, evaluation or vote respecting such matter. This includes, but is not limited to, the award of contracts, the purchase of goods and services, engaging consultants, accepting new memberships, and the allocation of APSA Inc. funds and/or resources.

ATTACHMENT B3 - SYNCHRONIZED AND THEATRE ON ICE GUIDELINES

This document has been created as a supplement to the Australian Professional Skaters' Association Code of Ethics. As it is a supplement, it is not intended to replace the Code of Ethics already in place but rather provide guidelines for coach's professional behaviour. Below are listed just a few of the many scenarios that occur. It is adapted for APSA with permission from the Professional Skaters Association America.

Recruitment vs. Solicitation

When you advertise for skaters to join your team, you are RECRUITING. Targeting a skater already skating on a team and suggesting they change to another team is SOLICITATION.

Examples:

- **Recruiting** If a Synchronized Skating coach is asked for information from a parent/skater, the coach may give them information including the team contact information. The coach may give out this information even if the skater is currently on a team or taking private lessons, only if the coach has NOT approached the skater/parent.
- **Solicitation** A coach, team manager, team personnel or team parent should not approach (target) a skater who is a member of another team or taking private lessons.
- **Solicitation** Sending recruiting material directly to a skater/parent on another team is 'targeting' a skater.
- **Recruitment** A coach may directly approach a skater as long as the skater is not currently on a team or taking private lessons (such as a retired skater). This must be checked out before you talk with the skater/parent!
- **Recruitment** A coach or team manager may contact a parent/skater if the coach of the other team invites such action.
- **Recruitment** Leaving recruiting brochures at an ice rink is OK but MUST be in compliance with the Board of Directors of the club and/or rink management policies.

Obligations of Coaches:

Here are a few scenarios that arise.

- When a skater from another club is accepted to a team, the new coach is responsible to make sure that the new organisation receives a Change of Team Form (found on ISA Website ([SSF-YY10](#)) and procedure ([SSP-YY09](#)), a skater must pay any money that's outstanding prior to joining another team.
- The new coach must not allow the skater to start training on the new team before a Change of Team Form is received stating the skater is in good standing with their previous team. **(Please note: this is a professional courtesy)**
- At the beginning of a season sometimes skaters try a few teams to see what team they would like to be associated with, if a skater/parent decides not to join your team you or team management MUST NOT telephone/harass that skater in anyway to join your team.

Miscellaneous

- When you take on a new skater into your team, never criticize the former coach's technique or coaching methods. Don't resent the new coach if your skater decides to join another team.
- Do not resent the new coach if your skater decides to join another team.
- For documents which address professional responsibilities, go into the Australian Professional Skaters' Association website (www.apsa.net.au) MPP / Code of Ethics.
- Synchronized Skating coaches need to create a good relationship with singles, pairs and dance coaches. These coaches should not feel 'threatened' by the sport of Synchronized Skating.
- *Synchronized Skating coaches should emphasize and encourage their team members to continue training in singles/pairs/dance.*

Team Managers/team personnel have often not been involved in our sport for very long, remember they need to be aware of acceptable behaviour within our sport. Ignorance of these Guidelines is no excuse, it's your job to make sure they are aware of and abide by these Guidelines.

ATTACHMENT B4 - ICE DANCE AND PAIRS GUIDELINES

This document has been created as a supplement to the Australian Professional Skaters' Association Code of Ethics. As it is a supplement, it is not intended to replace the Code of Ethics already in place but rather provide guidelines for coach's professional behaviour. Below are listed just a few of the many scenarios that occur. It is adapted for APSA with permission from the Professional Skaters Association America.

Recruitment vs. Solicitation

When you advertise yourself as a Pairs / Dance Coach, you are **RECRUITING**.

Targeting a skater already established with a partner and suggesting they change to you, is **SOLICITATION**. Telling a skater already involved in a partnership and with a coach they will have better results with you is Solicitation.

Examples:

- **Recruiting** – If a Pair / Dance coach is approached by a potential client, the coach may speak directly to the potential client about when they can work with the team and what their fees are, even if this team is currently being coached by someone else. If you agree to coach the team, you should contact the present coach before you start working with the team, in order to make sure he / she is aware of the coaching change.
- **Solicitation** – A coach approaches a skater (or skater's parent) who is already taking lessons and has a primary coach.
- **Recruiting** – A coach can approach other coaches to ask if they have students who would be interested in skating with one of their students.
- **Solicitation** – A Pairs / Dance team travels to an established training centre for a seminar or camp. After the seminar/ camp, the Program Director / Coach / Presenter suggests they stay for a few days of training to work with them or someone else.
- **Solicitation** – Contacting by any means (directly or indirectly), or sending recruiting material (such as your resume) directly to a skater or their parent is 'targeting' the skater.

Obligation of Coaches

First and foremost, the welfare of the skaters involved is of paramount importance. A coach should never advance their own goals at the expense of either skater.

Examples:

- A skater has found a partner. The question is, do they relocate or does the found partner relocate? The answer would seem to be that the coaches and parents decide what is best for the team.
- Coach A approaches Coach B about building a team All parties involved sit down for a discussion. This is the best-case scenario.
- Coach A is training a team. Coach A knows that one of the team members is unhappy and looking for a new partner. Coach A should first, speak to the parents of the skater looking for a new partner and then call a meeting with the team and parents to discuss.
- It is the responsibility of every coach to contact the previous coach before beginning lessons with a skater / team that is changing coaches.
- When you take on a new pair / dance team do not criticise the technique or training methods of the former coaches.
- * All Pair and Dance coaches need to create a good relationship with coaches of all disciplines.

ATTACHMENT B5 - SINGLES AND CO-COACHING GUIDELINES

This document has been created as a supplement to the Australian Professional Skaters' Association Code of Ethics. As it is a supplement, it is not intended to replace the Code of Ethics already in place but rather provide guidelines for coach's professional behaviour. Below are listed just a few of the many scenarios that occur. It is adapted for APSA with permission from the Professional Skaters Association America.

Every skater has the right to believe his / her coach is the best.

Taking on New Skating Students

- No coach should ever solicit students of another coach directly or indirectly or through a third party for lessons or instruction.
- When approached to take a lesson / new student, you must ask if the skater has ever had lessons with another coach.
- If the skater has had lessons in the past or is having lessons currently with another coach, you should advise the skater to tell their coach of their intention to change coaches.
- You should contact the existing coach to advise them that you have been approached by this skater and enquire if there are fees outstanding. This can be done verbally or by email.
- It is courteous to wait for the commencement of lessons until you have contacted the existing coach.

Co - Coaching Skating Students

- The key to the successful co-coaching of skaters is open communication with all coaches on the team, respect for the head coach of the team and strict adherence to the set plan for the skater.
- All coaches should encourage and support co-coaching as it often benefits the skaters' development.
- When asked to co-coach a skater, ask the skater's parent if the head coach is aware of them approaching you. If not ask the skater / parent to talk to the head coach first to notify them of their intent to engage you as a co-coach.
- Do not engage in a co-coaching arrangement, until a discussion has been had with the head coach as to the student being up to date with their fees and your role in the team.
- Once you have agreed to the terms of your role in the co-coaching arrangement, adhere strictly to your specific coaching duties as determined by the head coach. Never work on anything that a skater / parent asks until this has been cleared by the head coach.

What are Solicitation, Promotion and Tampering?

Promotion is done publicly.

- It is appropriate for all coaches to promote their background and credentials to the entire world. This information can be posted in a public space at the rink, advertised in a flyer or promoted in a newspaper or website – as long as the opportunity is available to all and the audience is general. Many coaches say they promote themselves through their work. Their student's accomplishments are their 'advertisement'. That, unequivocally, is the best way to promote oneself.

Solicitation is done behind the scenes.

- Solicitation can be done by a coach, a parent on behalf of a coach or by rink management favoring one coach over another. It is usually conveyed one to one. It is considered solicitation for a professional to contact a skating student, not their own, when a significant motive for doing so is the personal gain of the skating professional. Solicitation includes contact directly, indirectly, or through a third party, in person, by telephone, email or by another means directed to a specific recipient.

Examples:

- * 'I could take your child further (to the Olympics etc.)'
- * 'I am much more qualified than ___ is'
- * 'Join our program. That other program doesn't offer what we can provide'
- * 'I'll give your child some free lessons / ice time / equipment etc'
- * Parents talking in the stands ,convincing other parents to switch their skater to the 'better' coach.
- * Skaters in the dressing rooms ,persuading another skater to become a part of the 'good group of skaters'.
- * Coach's spouse talking inside or outside of the rink. 'My husband /wife could do so much more for your child.

Tampering is subtle.

- Tampering involves a coach making comments or actions to another skater or their parent to either: put doubt into their minds about their coach, or to build a relationship with the family that may lead to a coaching change in the future. Comments to the skater such as offering a suggestion that might improve their skating or mentioning to a skater's parent a problem with the skater's technique, or program elements etc.
- This is a grey area. The sentiment is often sincere, but the perception is suspect. This is not by any means meant to deter coaches from being friendly and encouraging to the other skaters and families in their rink.

Stopping Solicitations

- Stopping solicitations from occurring is critical to have a comfortable and friendly environment in your rink. If you witness any form of solicitation you should:
- Notify your rink manager, club president or APSA rink representative.
- Document what you have seen and /or heard. Include dates, times, method of solicitation, names of parties involved and what occurred.
- Reports can be anonymous.

PART C:

SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

Background

We are committed to providing a safe environment for children. As part of this we will accredit coaches who do not pose a risk to children.

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. **Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory, the Australian Capital Territory, Tasmania and South Australia.**

These 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 voluntary capacity) with children. Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

APSA Inc, its state members and their members, must meet the requirements of the relevant state or territory Working with Children Check laws.

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 Policy. 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)

[Please note: Working with children check exemptions]

ATTACHMENT C1: SCREENING REQUIREMENTS

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

APSA Inc. will, and also requires State Member associations 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

APSA Inc. has a duty of care to all those associated with the sport at the, national and international level and to the individuals and organisations to whom our National Member Protection Policy applies. As a requirement of our National Member Protection Policy, APSA Inc. must enquire into the background of any:

- People who undertake any work (paid or volunteered), coaching or regular unsupervised contact with people under the age of 18 years for APSA Inc. or an APSA affiliated State Member.
- People who volunteer to assist APSA Inc affiliated member coaches with unsupervised contact of people under the age of 18 years during coaching, competitions, events, camps or travelling.
- Coaches, Choreographers or other professionals who are invited by APSA Inc. to visit Australia for the purpose of seminars, conferences, competitions etc.
- Coaches, Choreographers or other professionals visiting Australia who apply for Event Accreditation.

I.....(name) of

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

Event / volunteering / visiting for:.....

.....

Identification:.....(DL).....(passport)

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 relating to children or acts of violence.
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.
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 matter that APSA Inc. may consider to constitute a risk to its members, , volunteers, athletes or reputation by engaging me.
7. I will notify the President of APSA Inc and its member association engaging me immediately upon becoming aware that any of the matters set in clause 1 to 6 above has changed.

Persons signing this form
must also show proof of ID.
☐ (Administrator to tick
box when ID sighted)

Declared in the State / Territory of

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

Parent / Guardian Consent (in respect of a person under the age of 18 years)

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

Name:.....Date:...../...../.....

Signature:.....

When completed this form must be returned to the State Member where the person will be working or volunteering and a copy sent to the President and the Registrar of APSA Inc. This form will be held securely on file for a period of 2 years.

ATTACHMENT C3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks;
- signed declarations;
- refers checks; and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each state and territory are available on the Play by the Rule website: www.playbytherules.net.au

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory.

Australian Capital Territory

Contact the ACT Government

Website: https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~/working-with-vulnerable-people-%28wwvp%29-registration

Phone: 02 6207 3000

New South Wales

Contact the Office of the Children's Guardian

Website: www.kidsguardian.nsw.gov.au/check Phone: 02 9286 7276

Northern Territory

Contact the Northern Territory Government

Website: <https://nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance> Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the Queensland Government Blue card services

Website: <https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card-services> Phone: 1800 113 611

South Australia

Contact the Government of South Australia Department of Human Resources

Website: www.families.sa.gov.au/types-of-check/new-working-with-children-checks
Phone : 08 8463 6468.

National Police Check: www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check

DCSI Child Related Work Screening: <http://www.dcsi.sa.gov.au/services/screening>

Tasmania

Contact the Department of Justice about the working with children registration system that is being phased in

Website: www.justice.tas.gov.au/working_with_children Phone: 1300 13 55 13

Victoria

Contact Working with Children Check Victoria

Website: www.workingwithchildren.vic.gov.au Phone: 1300 652 879

Western Australia

Contact Working with Children Check WA

Website: <https://workingwithchildren.wa.gov.au/index>

Phone: 1800 883 979

Travelling to other states or territories

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state.

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your organisation is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that state or territory.

PART D: COMPLAINT HANDLING PROCEDURES

We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in this policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, appeals and disciplinary measures, APSA Inc. will follow the procedures set out below.

ATTACHMENT D1: COMPLAINTS PROCEDURES

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, APSA Inc. may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that APSA Inc. 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.

In all cases you may wish to contact a Member Protection Information Officer for advice on how to handle your complaint. A Member Protection Information Officer (MPIO) provides information about the rights, responsibilities and options available to an individual making a complaint in sport. They can also inform and advise sport administrators and complaint handlers in Member Protection Policy for specific sports. MPIOs are impartial and don't mediate or investigate complaints.

If you are worried that a child is at risk, report your suspicions immediately to your state or national sporting or recreation organisation and child protection authority (this is a legal requirement in some states).

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 the Complaints Officer or President

Talk with the Complaints Officer and / or the President 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.

Contact details for the Complaints Officer and President can be found on the APSA Inc. website:

www.apsa.net.au

They 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 Complaints Officer or President 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 Complaints Officer or the President of APSA Inc. using the Complaints Application form Attachment D2.
- 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 Complaints Officer or President of APSA Inc. 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.

Complaints Officer or President of APSA Inc. 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 Complaints Officer or President of APSA Inc. 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 President or Judiciary who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with [Attachment D3] 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 D6]
- If the complaint is referred to the police or other appropriate authority, APSA Inc. will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about Policy breach must be referred to a domestic tribunal made up of members of the Management committee (Any costs relating to the complaint process set out in this Policy (e.g Investigating and/or mediation and/or hearings tribunal) are to be met by the complainant and respondent unless otherwise stated in the relevant Attachment.)

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that the Complaints Officer or President of APSA Inc. reconsider the complaint in accordance with Step 3. You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in (Attachment D6).

Step 7: Documenting the resolution

The Complaints Officer or President of APSA Inc. will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a 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: COMPLAINTS APPLICATION FORM

The APSA Complaints Application Procedure is an important function of the Association. Prior to filing a complaint refer to the procedures as set out in the APSA Member Protection Policy located at www.apsa.net.au.

To file a complaint you must send to the APSA Inc. Complaints Officer, and / or the President of APSA Inc. the following:

- The original complaint (and one additional copy) stating the factual basis for the complaint along with documentation and evidence you feel is necessary to support your complaint.
- The signature of the party filing the complaint must be under oath, notarised and under penalty of perjury (see 7). This includes the application form, complaint and each supporting document.
- Please refer to the specific number of the Code of Behaviour / Code of Ethics that you are claiming was violated.
- Failure to state the specific violation may result in a dismissal of the complaint.

There is a \$150 filing fee to be made payable to APSA Inc.. A copy of your complaint is then sent to the person against whom the complaint has been filed. That person must respond in a timely manner and a copy of their response is then forwarded to you.

Any application for reduction or waiver of the filing fee on the grounds of financial hardship will be considered on a case-by-case basis by the Committee upon written request accompanying the complaint application.

Any reduced filing fee as determined by the Committee will be payable by the complainant within 7 days of the complainant being notified by writing that the reduced fee is payable.

If, upon finalisation of the investigation, the complaint is upheld (i.e an adverse finding is made against the respondent) APSA may refund to the complainant the filing fee or a portion thereof (less administration fee as determined by the Committee from time-to-time).

The value of any refund of the filing fee may be determined by reference to whether the complaint was upheld in-full or in-part and shall be at the sole discretion of the Committee.

After all the filings have been completed, the case will be investigated and a finding made. A notification if the action will be sent to the party filing the complaint and to the party against whom the complaint was made. The APSA Inc. committee is authorised to change, alter or modify the above rules as occasion may require and to establish a detailed code of behaviour to supplement the above basic rules.

To file a complaint, fill out the application below in accordance with the above requirements and send an original complaint and your documentation along with a **\$150** filing fee made out to Australian Professional Skaters' Association Inc to :

The Complaints Officer or President APSA Inc.
P.O. Box 1843, Macquarie Centre, North Ryde. NSW 2113
or email to president@apsa.net.au

Name: _____ Email: _____

Address: _____

Phone: _____ Mobile: _____

Best time to reach you: _____

Filed Against: _____

Violation of Codes of Behaviour / Code of Ethics number: _____

Date: _____ Signature: _____

ATTACHMENT D3: 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 APSA Inc.

1. If mediation is chosen, the President of APSA Inc. will appoint an appropriate mediator to help resolve the complaint. This will be done under direction of the APSA Inc. and in consultation with the complainant and the respondent (s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with APSA Inc. acting as 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. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - a. Write to the President of APSA Inc. or Complaints Officer that they reconsider the complaint, and
 - b. Approach an external agency such as an anti-discrimination commission or equal opportunity commission, to resolve the matter.
6. Mediation will not be recommended if:
 - when the people involved have a completely different versions of the incident
 - when on for both parties are unwilling to attempt mediation
 - when the issues raised are sensitive in nature
 - when there is a real or perceived power imbalance between the people involved
 - matters that involve serious allegations

ATTACHMENT D4: 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 President of APSA Inc. 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 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 D.

ATTACHMENT D5: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE / NEGLECT

An allegation of child abuse / neglect is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in APSA Inc. in a paid or unpaid capacity to decide whether or not child abuse / neglect 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 President of APSA Inc. 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 President of APSA Inc. in conjunction with the Complaints Officer will assess the risks and take interim action to ensure the child's/children's safety. Action APSA Inc. 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 President of APSA Inc. in conjunction with the Complaints Officer will consider the kind of support that the child/ren and parents may need (e.g. counselling, help lines, support groups).
- The President of APSA Inc. in conjunction with the Complaints Officer will address the support needs of the alleged offender.
- The President of APSA Inc. in conjunction with the Complaints Officer will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 – Internal action

- 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 APSA Inc.)
- Irrespective of the findings of the child protection and/or police inquiries, APSA Inc. will assess the allegation to decide whether the person should be reinstated, banned, have their accreditation or position terminated or any other action.
-
- The decision-maker(s) will be the President of APSA Inc. and Complaints Officer (with legal advise) 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 in [Clause 9] of the policy will be followed.
- If disciplinary action is taken, APSA Inc. 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 D6: HEARINGS & APPEALS TRIBUNAL PROCEDURE

We will follow the steps set out below to hear formal complaints made under our Member Protection Policy.

Preparing for Tribunal Hearing

1. A Tribunal Panel will be constituted following the rules outlined in the APSA Inc. Constitution, to hear a complaint that has been referred to it by the state members, President or Complaints Officer.
2. **The number of Tribunal members required to be present throughout the hearing will be 3 members of the APSA Inc committee one of which must be the Complaints Officer and / or President of APSA Inc. It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).**
3. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by Complaints Officer or President of APSA Inc. relating to the complaint/allegations.
4. 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.
5. The Tribunal will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
6. The President 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, and 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. [the respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However a person can not be a support person if he or she has been admitted to the practice as a lawyer or worked as a trainee lawyer.]
- * The respondent(s) will be allowed to participate in all APSA Inc. activities and events, pending the decision of the Tribunal, including any available appeal process, unless the Complaints Officer or President of APSA Inc. believes it is necessary to exclude the respondent(s) from all or some of APSA Inc. activities and events, after considering the nature of the complaint.
7. The President will inform 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;
 - * the 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 verbal and / or written submissions can be presented at the Tribunal hearing;
- * 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);
- * That legal representation will not be allowed. [the complainant may be assisted by a support person at a Tribunal hearing. For example, where the complainant is a minor, he or she should have a parent or guardian present. However a person can not be a support person if he or she has been admitted to the practice as a lawyer or worked as a trainee lawyer.]

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the Complaints Officer or President of APSA Inc. as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

Tribunal Hearing Procedure

1. 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.
2. 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.
3. 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.
4. The Tribunal Chairperson will inform the Secretary of the need to reschedule, and the Secretary will organise for the Tribunal to be reconvened.
5. 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.
6. 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 (sanctions).
7. 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.
8. 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.
9. 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.
10. 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 (to the extent it has power to do so) 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.

11. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
12. 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.
13. 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.
14. All Tribunal decisions will be by majority vote.
15. The Tribunal Chairperson may announce the decision of the Tribunal at the conclusion of the hearing. alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
16. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
17. Within 48 hours, the Tribunal Chairperson will:
 - Forward to the Complaints Officer or President of APSA Inc. a copy of the Tribunal decision including any disciplinary measures / sanctions imposed.
 - Forward a letter to the respondent(s) reconfirming the Tribunal decision and any disciplinary measures / sanctions 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.
18. The Tribunal does not need to provide written reasons for its decision.

Appeals Procedure

1. A complainant or a respondent(s) who is not satisfied with the decision of a Complaints Manager or President may lodge one appeal to APSA Inc. on one or more of the following bases:
 - That a denial of natural justice has occurred; or
 - That the disciplinary measure(s) imposed is unjust and/or unreasonable.
 - That the decision was not supported by the information/evidence provided to the Complaints Officer/President/Mediator/Tribunal;
2. A person wanting to appeal must lodge letter setting out the basis for their appeal with the President within 2 days of the decision being made. An appeal fee of \$500 shall be included with the letter of intention to appeal.
3. If the letter of appeal is not received by the President within the time period the right of appeal lapses. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal will also lapse.
4. The letter of appeal and copy of tribunal decision report will be forwarded to the APSA Inc. committee to review and decide whether there are sufficient grounds for the appeal to proceed. The APSA Inc. may invite any witnesses to the meeting it believes are required to make an informed decision.
5. If the appellant has not shown sufficient grounds for appeal in accordance with clause 1 (appeals procedure), then the appeal will be rejected. The appellant will be notified with reasons. The appeal fee will be forfeited.
6. 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.
7. The Tribunal Procedure shall be followed for the appeal.
8. The decision of an Appeal Tribunal will be final.

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

Facts sheets on reporting allegations of child abuse in different States and Territories are available at www.playbytherules.net.au

ATTACHMENTS

- Attachment E1: Record of informal complaint
- Attachment E2: Record of formal complaint
- Attachment E3: Handling an allegation of child abuse
- Attachment E4: Confidential record of child abuse allegation

Attachment E1:
RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint	Date: / /	
Complainant's Name	<hr/> <div> <div>- Over 18</div> <div>- Under 18</div> </div>	
Role/status <u>circle the relevant response</u>	<div> <div>- Administrator (volunteer)</div> <div>- Athlete/player</div> <div>- Coach/Assistant Coach</div> <div>- Employee (paid)</div> <div>- Official</div> </div> <div> <div>- Parent</div> <div>- Spectator</div> <div>- Support Personnel</div> <div>- Other</div> <div>.....</div> </div>	
When/where did the incident take place?		
What are the facts relating to the incident, as stated by complainant?		
What is the nature of the complaint? (category/basis/grounds) <u>circle the relevant response</u> circle more than one if necessary	<div> <div>- Harassment or - Discrimination</div> <div>- Sexual/sexist - Selection dispute - Coaching methods</div> <div> <div>• Sexuality</div> <div>• Race</div> <div>• Religion</div> <div>• Pregnancy</div> <div>• Other</div> </div> <div> <div>- Personality clash</div> <div>- Bullying</div> <div>- Disability</div> <div>- Child Abuse</div> </div> <div> <div>- Verbal abuse</div> <div>- Physical abuse</div> <div>- Victimisation</div> <div>- Unfair decision</div> </div> </div>	
What does the complainant want to happen to resolve the issue?		
What other information has the complainant provided?		
What is the complainant going to do now?		

This record and any notes must be kept confidential and secure. If the issue becomes a formal complaint, this record is to be given to the President of APSA Inc.

Attachment E2: RECORD OF FORMAL COMPLAINT

Complainant's Name	<div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="display: flex; justify-content: space-between;"> - Over 18 - Under 18 </div>		Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:		
Complainant's role/ position <u>circle the relevant response</u>	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> - Administrator (volunteer) - Athlete/player - Coach/Assistant Coach - Employee (paid) - Official </div> <div style="width: 45%;"> - Parent - Spectator - Support Personnel - Other </div> </div>		
Name of person complained about (respondent)	<div style="display: flex; justify-content: space-between;"> - Over 18 - Under 18 </div>		
Respondent's role/ position <u>circle the relevant response</u>	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> - Administrator (volunteer) - Athlete/player - Coach/Assistant Coach - Employee (paid) - Official </div> <div style="width: 45%;"> - Parent - Spectator - Support Personnel - Other </div> </div>		
Location/event of alleged incident			
Description of alleged incident	<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> - Harassment - Sexual/sexist • Sexuality • Race • Religion • Pregnancy • Other </div> <div style="width: 30%;"> or - Discrimination - Selection dispute - Personality clash - Bullying - Disability - Child Abuse </div> <div style="width: 30%;"> - Coaching methods - Verbal abuse - Physical abuse - Victimisation - Unfair decision </div> </div>		
Nature of complaint (category/basis/grounds) <u>circle the relevant response</u> circle more than one if necessary			
Methods (if any) of attempted informal resolution			

Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision Action recommended
If mediated:	Date of mediation: Both/all parties present Agreement Any other action taken
If decision was appealed	Decision Action recommended
Resolution <u>circle the relevant response</u>	Less than 3 months to resolve Between 3 – 8 months to resolve More than 8 months to resolve
Completed by	Name: Position: Signature: Date / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept confidential and secure. If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to APSA inc. and a copy kept with the organisation where the complaint was first made.

Attachment E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with APSA Inc. in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the President of APSA Inc. so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The President and / or Complaints Officer will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is a member of an APSA Inc. member.
- The President and / or Complaints Office will consider what services may be most appropriate to support the child and his or her parent/s.
- The President and / or Complaints Officer will consider what support services may be appropriate for the alleged offender.

- The President and / or Complaints Officer will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted by APSA Inc).
- APSA Inc. will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in [Clause 9] of our Member Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services/report-child-abuse-and-neglect Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Family and Community Services www.community.nsw.gov.au Ph: 132 111
Northern Territory	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families https://territoryfamilies.nt.gov.au/contacts Ph: 1800 700 250
Queensland	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities, Child Safety and Disability Services https://www.csyw.qld.gov.au/child-family/protecting-children/reporting-child-abuse Ph: 1800 177135 after hours and on weekends
South Australia	

<p>South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au</p>	<p>Department for Education and Child Development https://www.childprotection.sa.gov.au/reporting-child-abuse Ph: 131 478</p>
Tasmania	
<p>Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au</p>	<p>Department of Health and Human Services https://www.communities.tas.gov.au/children/child_protection_services/what_can_i_expect_when Ph: 1300 737 639</p>
Victoria	
<p>Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au</p>	<p>Department of Human Services https://providers.dhhs.vic.gov.au/making-report-child-protection Ph: 131 278</p>
Western Australia	
<p>Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au</p>	<p>Department for Child Protection and Family Support https://www.dcp.wa.gov.au/ChildProtection/Pages/Ifyouareconcernedaboutachild.aspx Ph: 1800 273 889</p>

Before completing, ensure the procedures outlined in attachment E3 have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)	Date Formal Complaint Received: / /	
Role/status in sport		
Child's name	Age:	
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<div> <div> - Administrator (volunteer)</div> <div> - Athlete/player</div> <div> - Coach/Assistant Coach</div> <div> - Employee (paid)</div> <div> - Official</div> </div> <div> <div>- Parent</div> <div>- Spectator</div> <div>- Support Personnel</div> <div>- Other</div> <div>.....</div> </div>	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police contacted	Who: When: Advice provided:	
Government agency contacted	Who: When: Advice provided:	
President and/or MPIO contacted	Who: When:	

Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

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