

The Western Australian Ice Skating Association Inc
MEMBERS PROTECTION INFORMATION POLICY

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ISA Inc Constitution and Regulations

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PREFACE

The Western Australia Ice Skating Association Inc. (WAISA) is committed to providing an environment that is safe for children, free from harassment, discrimination and abuse for everyone, and promotes respectful and positive behaviour and values.

We believe that anyone who volunteers or works for or represents WAISA and everyone with whom we deal, has the right to be treated with respect and dignity. The Western Australia Ice Skating Association Inc. will not tolerate harassment in our organisation. We will take all complaints of harassment seriously, and will ensure they are dealt with promptly, seriously, sensitively and confidentially. Disciplinary action will be taken against a person who is found to breach this policy.

WAISA is committed to upholding its Code of Conduct that forms the basis of appropriate and ethical conduct which everyone must abide by. The WAISA Council and I, as the President, are committed to ensuring that everyone associated with the organisation complies with this policy.

Yours sincerely

Carole Ashworth
President
The Western Australia Ice Skating Association Inc.

IMPORTANT NOTE:

For this policy and other policies to be binding on all WAISA members, affiliated clubs, their members and other relevant persons, they must be:

- formally incorporated or adopted into a club's constituent documents (being the Memorandum and Articles of Association; Constitution of a company; or the rules of an incorporated association) or the rules, regulations or by-Laws made under the constituent documents;
- be agreed to as part of a membership application, agreement, form, other contract with the WAISA affiliated Club, which relevant members and other persons intended to come within the scope of this policy are required to sign.

Schedule A: WAISA MEMBER PROTECTION POLICY

1. Introduction

The Western Australia Ice Skating Association Inc. (WAISA) is the body recognised by the ISA to govern and lead the development of the sport of Ice Skating in the state of Western Australia.

2. Purpose of this policy

This WAISA Member Protection Policy (“policy”) aims 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 WAISA to take disciplinary action against any person or organisation bound by this WAISA council and has been incorporated into our by-laws.

3. Who Our MPIO Policy Applies To

This policy should apply to everyone who is involved with the activities of Association, whether they are in a paid or unpaid/voluntary capacity and including:

- persons appointed to or elected to WAISA council, committees, and sub-committee
- coaches and assistant coaches and other personnel participating in events and activities, including camps and training sessions;
- support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- judges, referees, and other officials;
- athletes;
- members, including all status of memberships e.g. honorary and any life members;
- parents/guardians
- spectators; and
- affiliated clubs; and
- any other person to whom the policy may apply.

NOTE: - *This policy will continue to apply to a person even after he or she has stopped their association or employment with WAISA, if disciplinary action against that person has begun.*

4. Extent of Our Policy

Our policy covers all matters directly and indirectly related to the WAISA and its activities. In particular, the policy governs unfair selection decisions and actions, breaches of our code of behaviour and behaviour that occurs at training sessions, in the club rooms, at social events organised or sanctioned by WAISA (or our sport), and on away and overnight trips. It also covers private behaviour where that behaviour brings our Association or sport into disrepute or there is suspicion of harm towards a child or young person.

5. *WAISA Responsibilities*

We will:

- adopt, implement and comply with this policy;
- ensure that this policy is enforceable;
- publish, distribute and promote this policy and the consequences of any breaches of this policy;
- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- review this policy every 12-18 months or whenever a need arises; and
- seek advice from and refer serious issues to our National body, Ice Skating Australia (ISA).

***NOTE:** -Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse) and any other issues that our state or national bodies request to be referred to them.*

6. *Individual Responsibilities*

Everyone associated with our Association must:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of this policy, including the standards of behaviour outlined in this policy;
- consent to the screening requirements set out in this policy, and any state or 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;
- treat other people with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their behaviour; and
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment, bullying or other inappropriate behaviour; and
- comply with any decisions and/or disciplinary measures imposed under this policy.

7. *Protection of Children*

7.1 **Child Protection**

WAISA is committed to the safety and wellbeing of children and young people who participate in our Association activities or use our services.

WAISA support the rights of the child and will act at all times to ensure that a child safe environment is maintained.

WAISA also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure and safe environment for all participants.

WAISA acknowledges the valuable contribution made by our staff, members and volunteers and we encourage their active participating in providing a safe, fair and inclusive environment for all participants.

7.1.1 : Identifying and Analysing Risks of Harm

WAISA will develop and implement a risk management strategy, which includes 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 action of an employee, volunteer or another person.

7.1.2 : Developing Codes of Conduct Policy for Adults and Children

WAISA will develop and promote a code of conduct that specifies standards of conduct and care we expect of adults when they deal and interact with children, particularly those in our care. WAISA will also implement a code of conduct to promote appropriate behaviour between children.

The **Codes of Conduct** policies will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour will be on our WAISA website: - <https://www.waisa.org>

7.1.3 : Choosing Suitable Employees and Volunteers

WAISA will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

WAISA will ensure that Working with Children Checks and criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law. If a criminal history report is obtained as part of the screening process, WAISA will ensure that the criminal history information is dealt with confidentially and in accordance with relevant legal requirements. (See Attachment 1.3)

7.1.4 : Support, Train, Supervise and Enhance Performance

WAISA will ensure that all our employees 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 Association.

7.1.5 : Empower and Promote the Participation of Children in Decision-Making and Service Development

WAISA will promote the involvement and participation of children and young people in developing and maintaining a child-safe environment in our Association.

7.1.6 : Report and Respond Appropriately to Suspected Abuse and Neglect

WAISA will ensure that employees 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 ground that a child has been, or is being, abused or neglected. In addition to any legal obligations, 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 they may make an internal complaint.

Please refer to our complaints procedure in **Section 10** of this policy.

IMPORTANT: - Any person who believes a child is in immediate danger or in a life-threatening situation, should contact the police immediately.

7.2 Supervision

Children under the age of 18 must be supervised at all times by a responsible adult. We endeavour to provide an appropriate level of supervision at all times. If a member finds a child under the age of 18 is unsupervised, they should assume responsibility for the child's safety until the child's parent/guardian or supervisor is located.

For reasons of courtesy and safety, parents must collect their children on time. If it appears a member will be left alone with just one child at the end of any WAISA or club activity, they will ask another member to stay until the child is collected.

7.3 Transportation

Parents and or guardians are responsible for organising the transportation of their children to and from Association or club activities (e.g. training, games and competitions). Where we make arrangements for the transportation of children (e.g. for away matches or overnight trips), we will conduct a risk assessment that includes ensuring vehicles are adequately insured, the driver has a current and appropriate licence for the vehicle being used and the appropriate safety measures are in place (e.g. fitted working seatbelts).

7.4 Taking Images of Children

Images of children can be used inappropriately or illegally. We require that members and parents/guardians of members, wherever possible, obtain permission from a child's parent or guardian before taking an image of a child that is not their own. We will also make sure that the parent or 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 Association.

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 or 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 Association's activities and we will ensure that they are suitably clothed in a manner that promotes our Association. We will seek permission from a child's parent or guardian before using their images.

8. *Discrimination, Harassment and Bullying*

WAISA 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, harassment and bullying.

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

8.1 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.

Importation -Discrimination includes both direct and indirect discrimination:

- **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.

NOTE - For the purpose of determining discrimination, the offender's awareness and motive are irrelevant.

8.2 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.

e.g. Sexual harassment is one type of harassment. Sexual harassment involves 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.

NOTE: - Every person is covered by the anti-discrimination laws that apply in this State as well as the Federal anti-discrimination laws.

The following is a list of all the personal characteristics that apply throughout Australia:

- gender;
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- national extraction or social origin;
- marital status, relationship status, identity of spouse or domestic partner;
- pregnancy, potential pregnancy, breastfeeding;
- family or carer responsibilities, status as a parent or carer;
- age;
- religion, religious beliefs or activities;
- political beliefs or activities;
- lawful sexual activity;
- sexual orientation and gender identity;
- profession, trade, occupation or calling;
- irrelevant criminal record, spent convictions;
- irrelevant medical record;
- member of association or organisation of employees or employers, industrial activity, trade union activity;
- physical features;
- disability, mental or physical impairment;
- defence service; and
- personal association with someone who has, or is assumed to have, any of these personal characteristics.

Federal Legislation also prohibits:

- racial, religious, homosexual, transgender and HIV/AIDS vilification; and
- victimisation resulting from a complaint.

8.3 Bullying

WAISA 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 Association.

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 group.

Whilst generally characterised by repeated behaviours, one off instance 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. WAISA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.

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 **Section 10** of this policy- [Responding to Complaints](#).)

8.4 Social networking

WAISA 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, Twitter, Instagram etc.

WAISA 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.

8.4 Intimate relationships

WAISA 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, the President or other official* 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, the President or other official*. Our complaints procedure is outlined in Part D of this policy.

9. Inclusive Practices

9.1 People with a disability

WAISA will not discriminate against any person because they have a disability. Where it is necessary, we will make reasonable adjustments within the rules, by-laws and policies of ISA and ISU (e.g. modifications to equipment and rules) to enable participation.

9.2 People from diverse cultures

WAISA will support, respect and encourage people from diverse cultures and religions to participate in our Association and where possible we will accommodate requests for flexibility (e.g. modifications to uniforms).

9.3 Sexual & Gender Identity

All people, regardless of their sexuality or gender identity, are welcome in our Association. We strive to provide a safe environment for participation and will not tolerate any form of discrimination or harassment because of a person's sexuality or gender identity.

9.4 Participation in sport

WAISA 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.

WAISA 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.

9.5 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).

WAISA 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.

9.6 Responsible service and consumption of alcohol

WAISA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that State affiliated clubs 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 volunteer 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.

9.7 Smoke-free environment

WAISA 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.

9.8. Pregnancy

WAISA is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our Association's activities. We will not tolerate any discrimination or harassment against pregnant women.

WAISA 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.

WAISA encourages 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 WAISA. 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. WAISA 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 bound by this policy, she may make a complaint (see section 10).

10. *Responding to Complaints*

10.1 Complaints

WAISA takes all complaints about on and off-field behaviour seriously. WAISA will handle complaints based on the principles of procedural fairness, and ensure:

- all complaints will be taken seriously;
- the person making the complaint (complainant) will be given full details of what is being alleged against them and have the opportunity to respond to those allegations;
- irrelevant matters will not be considered;
- decisions will be unbiased; and
- any penalties imposed will be reasonable.

More serious complaints may be escalated to our National Body, Ice Skating Australia.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then WAISA may need to report the behaviour to the police and/or relevant government authority.

10.2 Complaint Handling Process

When a complaint is received by WAISA, the person receiving the complaint (e.g. President, Member Protection Information Officer) will:

- listen carefully and ask questions to understand the nature and extent of the concern;
- ask what the complainant how they would like their concern to be resolved and if they need any support;
- explain the different options available to help resolve the complainant's concern;
- inform the relevant government authorities and/or police, if required by law to do so; and
- where possible and appropriate, maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, WAISA will assist, where appropriate and necessary, with the resolution process. This may involve:

- supporting the person complaining to talk to the person being complained about;

- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- gathering more information (e.g. from other people that may have seen the behaviour);
- seeking advice from our district, regional, state and/or national body or from an external agency (e.g. State Department of Sport or anti-discrimination agency);
- referring the complaint to our national association (ISA); and/or
- referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.

In situations where a complaint is referred to our national association (ISA) and an investigation is conducted, WAISA will:

- co-operate fully with the investigation;
- where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- act on our national association's (ISA) recommendations.

At any stage of the process, a person can seek advice from an anti-discrimination commission or other external agency and, if the matter is within their jurisdiction, may lodge a complaint with the anti-discrimination commission or other external agency.

10.3 Disciplinary Sanctions

WAISA may take disciplinary action against anyone found to have breached our policy or made false and malicious allegations. Any disciplinary measure imposed under our policy must:

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

Possible sanctions that may be taken include:

- a direction that the individual makes verbal and/or written apology;
- counselling of the individual to address behaviour;
- withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by WAISA;
- suspension or termination of membership, participation or engagement in a role or activity;
- de-registration of accreditation for a period of time or permanently;
- a fine; or
- any other form of discipline that WAISA considers reasonable and appropriate.

10.4 Appeals

The complainant or respondent may be entitled to lodge an appeal against a decision made in relation to a complaint (including a decision where disciplinary sanctions are imposed by WAISA to our national association (ISA)). Appeals must be based on any right of appeal provided for in the relevant constituent documents, policies, rules, regulations or by-laws.

10.5 Improper complaints and victimisation

WAISA 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 Member Protection Information Officer, or the WAISA 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 organisation represented by the MPIO for review and appropriate action, including possible disciplinary action against the complainant.

10.6 Mediation

WAISA 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 Member Protection Information Officer or the WAISA President will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to participate in the mediation process.

The WAISA's Constitution rules Division 4 is to be read in conjunction with this Section 10.6

More information on the mediation process is outlined in [Schedule D2](#).

10.7 Tribunals

In accordance with WAISA rules a Tribunal may be convened to hear a proceeding:

- referred to it by the President
- referred to it or escalated by the 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 (WAISA) directs it to be
- for an alleged breach of this policy.

Our Tribunal procedure is outlined in [Schedule D4](#).

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 **Attachment D4**.

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

10.8 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:

- a. breaching the codes of behaviour (see [Schedule B](#) of this policy);
- b. bringing the sport and or WAISA into disrepute, or acting in a manner likely to bring the sport and or WAISA into disrepute;
- c. failing to follow WAISA policies (including this policy) and our procedures for the protection, safety and well-being of children;
- d. discriminating against, harassing or bullying (including cyber-bullying) any person;
- e. victimising another person for making or supporting a complaint;
- f. engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- g. verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- h. disclosing to any unauthorised person or organisation any WAISA information that is of a private, confidential or privileged nature;
- i. making a complaint that they know to be untrue, vexatious, malicious or improper;

- j. failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- k. failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

11. Disciplinary Measures

WAISA 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.

11.1 Individual

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

- 11.1.1 a direction that the individual makes a verbal and/or written apology;
- 11.1.2 a written warning;
- 11.1.3 a direction that the individual attend counselling to address their behaviour;
- 11.1.4 a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by WAISA;
- 11.1.5 a suspension of the individual's membership or participation or engagement in a role or activity;
- 11.1.6 termination of the individual's membership, appointment or engagement;
- 11.1.7 a recommendation that WAISA terminate the individual's membership, appointment or engagement;
- 11.1.8 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;
- 11.1.9 a fine;
- 11.1.10 any other form of discipline that the Tribunal considers appropriate.

11.2 Affiliated Club

If a finding is made that an affiliated club has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by the WAISA President or WAISA council.

- 11.2.1 a written warning;
- 11.2.2 a fine;
- 11.2.3 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;
- 11.2.4 a direction that any funding granted or given to it by WAISA or relevant governing body cease from a specified date;

- 11.2.5 a direction that WAISA cease to accredit events held by or under the auspices of that organisation;
- 11.2.6 a recommendation to WAISA that the breaching organisation's affiliation be suspended or terminated in accordance with the relevant constitution or rules or by-laws or policies;
- 11.2.7 any other form of discipline that WAISA considers reasonable and appropriate.

11.3 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.

12. Dictionary of Terms

[A dictionary of terms used in this policy and its attachments is provided at:
http://www.ausport.gov.au/supporting/nso/member_protection.

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. Further detail or definitions that are specific to different States and Territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

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

Affiliated Club means any Local or State organisation recognised by WAISA to carry out member services in a certain geographic region.

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

Child abuse involves conduct which puts a child at risk of harm and 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 a child 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 of this policy

Complainant means the person making a complaint.

Complaint handler/manager means the person appointed under this policy to investigate a complaint.

Discrimination occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

In Australia, it is against the law to discriminate against someone because of their:

- 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 protected characteristics, such as physical features or association with a person with one or more of the characteristics listed above.

Examples of discrimination are available on the Play by the Rules website:

www.playbytherules.net.au/legal-stuff/discrimination

Some exceptions to State and Federal anti-discrimination law apply, such as:

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

Harassment is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under "Discrimination").

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 people on other grounds such as homosexuality, gender identity; HIV/AIDS, religion and disability (see also "Vilification").

Mediator means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

Member means a current financial registered member of WAISA.

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. He or she provides impartial and confidential support to the person making the complaint.

Natural justice (or procedural fairness) requires that:

- 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.

Policy, policy and this policy means this Member Protection Policy.

Respondent means the person whose behaviour is the subject of the complaint.

Role-specific codes of conduct (or behaviour) means standards of conduct required of people holding certain roles in our organisation (e.g. coaches and officials).

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays 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.

Because of differences under State and Territory laws, this can include but is not limited to: -

- rape
- indecent assault
- sexual assault
- assault with intent to have sexual intercourse
- incest
- sexual penetration of child under the age of 16
- indecent act with child under the age of 16
- sexual relationship with child under the age of 16
- sexual offences against people with impaired mental functioning
- abduction and detention
- procuring sexual penetration by threats or fraud
- procuring sexual penetration of child under the age of 16
- bestiality
- soliciting acts of sexual penetration or indecent acts
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimisation means subjecting a person, or threatening to subject a person, to any unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make complaint.

Vilification involves a person or an organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of people having any of the characteristics listed under the definition of “Discrimination”.

13. Roles and Responsibilities~ Overview

This section specifies the roles and responsibilities of all members and Affiliate clubs.

A Member and an Affiliated club must: *

- a) Comply with the WAISA Member Protection Policy
- b) Make complaints about a breach of the policy in accordance with WAISA’s Disciplinary By-Laws and/or Policies
- c) Submit information as required and according to WAISA Disciplinary By-Laws and /or Policies if an allegation is made against that Member or an Affiliated club
- d) Not make any frivolous or vexatious claim that another person is in breach of the WAISA Member Protection Policy
- e) Conduct themselves in a proper manner so as not to bring that Member, the Federation or the sport generally into disrepute
- f) Consent to a Working with Children Check or National Police Record Check when requested by a State Association or an Affiliate club if the individual member holds or applies for a role that involves direct and unsupervised contact with people under the age of 18.

(*Includes all associated interested persons who take on some form of ‘duty’ on behalf of WAISA)

Council must ensure that WAISA:

- a) Provides and promotes an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and any supply of goods and services
- b) Distributes, promotes and implements this policy and complaints handling procedure
- c) Encourages reporting of discrimination, harassment or child abuse, regardless of who the offender might be, and that appropriate training is provided to those who manage and implement this policy
- d) Deals with complaints in an impartial, sensitive, timely and confidential manner.

Coaches accredited by the ASC and APSA must:

- a) Be aware of child protection issues
- b) Comply with Coaches Code of Ethics and Behaviour
- c) Understand and respect that as a coach he or she has considerable power and authority over athletes and should not abuse it
- d) Avoid intimate relationships with athletes
- e) Not exclude or treat less favourably any athletes from coaching activities on the basis of an attribute or personal characteristics.

WAISA Councillors and Officials must:

- a) Be aware of child protection issues
- b) Comply with the WAISA Code of Conduct and Behaviour for Officials
- c) Understand and respect that as an ISA Official he or she has considerable power and authority over athletes and Members and should not abuse it
- d) Avoid intimate relationships with athletes
- e) Not exclude or treat less favourably any athletes from participating in WAISA activities on the basis of an attribute or personal characteristics

Within WAISA, there are a number of different levels of responsibilities that correlate to the structure and Functioning of WAISA activities. This section summarises the roles and responsibilities of these various structures.

State Government and the relevant state bodies* are responsible for:

- a) Providing a framework for child protection (legislation and guidelines)
- b) Undertaking employment screening, or provide information on how this is best done
- c) Assisting sport and recreation organisations with education, policy and procedures
- d) Managing the risk to avoid and/or limit possible breaches of the WAISA Member Protection policy

The WAISA Council are responsible for:

- a) Creating and promoting general awareness of Member Protection
- b) Establishing policies and procedures
- c) Providing support and training
- d) Responding to incidents
- e) Managing the risk to avoid and/or limit possible breaches of the WAISA Member Protection policy
- f) Comply with the WAISA Code of Conduct and Behaviour for Administrators

Affiliated Clubs are responsible for:

- a) Creating and promoting general awareness of Member Protection
- b) Implementing policy and procedures
- c) Managing the risk to avoid and/or limit possible breaches of the WAISA Member Protection policy
- d) Liaising with peak bodies on incidents

Parents and Guardians of WAISA Members are responsible for:

- a) Being aware of child protection
 - b) Supporting all efforts to remove all forms of harassment and/or abuse from WAISA activities
 - c) Requiring child safe practices from the organisation, club or group
- Comply with the WAISA Code of Conduct and Behaviour for Parents and Guardians

14. Avoiding Conflict of Interest

A Personal Ethical Commitment to WAISA.

All who involve themselves with the WAISA 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 community position relating to the activities of the WAISA and state member associations. Community positions could be but may not limited to a Club, State Association or the National Sporting Organisation.
2. I agree to abstain from making or influencing decisions involving personal or family gain or public acclaim.

3. I will act with absolute independence, which includes favouritism for or prejudice against, any member, coach, skater or his/her family members.
4. I agree to strict observance of the confidentiality of non-public WAISA and/or Affiliated club member association's information or when law, or the WAISA and/or member prohibit disclosure of the Association's Constitution, policies, or by-laws.
5. I agree to prompt disclosure of my personal interest in any situation that could reasonably be considered to involve a conflict of interest.
6. 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.
7. 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 WAISA funds and/or resources.

15. Schedule B: Codes of Behaviour

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

Regardless of the nature of a person's involvement in sport, The Essence of Australian Sport provides four guiding principles that lead to appropriate behaviour:

Fairness, Respect, Responsibility and Safety

The following Codes of Behaviour reflect and uphold these principles and assist in retaining the integrity and enjoyable aspects of sport. It also outlines the standard of behaviour expected of those involved (athletes, coaches, officials, parents, spectators, officials, administrators) and to assist in providing a positive and enjoyable sporting experience for everyone.

B: Code of Behaviour for anyone involved in sport:

- Operate within the rules and spirit of the sport, promoting fair play over winning at any cost;
- Encourage and support opportunities for people to learn appropriate behaviours and skills;
- Support opportunities for participation in all aspects of the sport
- Treat each person as an individual
- Display control and courtesy to all involved with sport
- Respect the rights and worth of every person regardless of their gender, ability, cultural background or religion
- Respect the decisions of officials, coaches and administrators in the conduct of the sport;
- Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist) with people under the age of 18 years
- Adopt appropriate and responsible behaviour in all interactions;
- Adopt responsible behaviour in relation to alcohol and other drugs
- Act with integrity and objectivity, and accept responsibility for your decisions and actions;
- Ensure your decisions and actions contribute to a safe environment
- Ensure your decisions and actions contribute to a harassment free environment
- Do not tolerate harmful or abusive behaviours.
- Avoid real or apparent conflicts of interest;
- Comply with all relevant Australia Law (Federal and State), particularly anti-discrimination and child protection law;
- Understand the possible consequences of breaching the WAISA Member Protection Policy or Codes of Behaviour. (**Note:** as per the following information on the Codes highlighted)

B1	Athletes Code of Behaviour
B2	Coaches Code of Behaviour
B3	Officials Code of Behaviour
B4	Administrators Code of Behaviour
B5	Parents Code of Behaviour
B6	Spectators Code of Behaviour
B7	Media Code of Behaviour

B1. Athletes Code of Behaviour

- Give your best at all times;
- Participate for your own enjoyment and benefit; Play by the rules;
- Respect the talent, potential and development of fellow athletes and competitors
- Respect the rights, dignity and worth of fellow athletes, coaches, officials, volunteers and spectators
- Conduct yourself in a professional manner relating to language, temper and punctuality,
- Be courteous, kind and always set a good example in dress and behaviour
- Abide by the rules and respect the decision of the officials.
- Make all appeals through the formal process and respect the final decision.
- Present all appeals through your coach, who may approach the official after the competition, or during an event if necessary.
- Work equally hard for yourself and/or your team. Your team's performance will benefit and so will you. Be a good sport. Applaud all good skating.
- Treat all participants in your sport as you like to be treated. Do not bully or take unfair advantage of another competitor.
- Show appreciation for volunteers, officials and administrators. Without them you could not participate.
- Cooperate with your coach, team-mates and opponents. Without them, there would be no competition. Participate for your own enjoyment and benefit, not just to please your parents and coaches.
- Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.
- Maintain high personal behaviour at all times
- Understand the possible consequences of breaching the WAISA Member Protection Policy or Codes of Behaviour.

B2. Coaches Code of Behaviour

In addition to the General Code of Behaviour, and the APA Code of Conduct, the following requirements are imposed on Coaches during any training session, any activity held or sanctioned by WAISA, or as a coach appointed by WAISA or one of its affiliates.

- Place the safety and welfare of the athletes above all else;
- Help each person reach their potential – respect the talent, development stage and goals of each person and compliment and encourage with positive and supportive feedback;
- Any physical contact with a person should be appropriate to the situation and necessary for the person's skill development;
- Be honest and do not allow your qualifications to be misrepresented.
- Be dignified and controlled and teach athletes to be likewise
- Remember that people participate for pleasure, and winning is only part of the fun.
- Never ridicule or yell at an athlete for making a mistake or not coming first.

- Be reasonable in your demands on athletes' time, energy and enthusiasm.
- Operate within the rules and spirit of the sport and teach the athletes to do the same.
- Avoid over using and favouring the talented athletes in teams and in practice, the "just average" need and deserve equal time.
- Ensure that the time spent with you is positive and self-enhancing for the athlete. All young people are deserving of equal attention and opportunities.
- Ensure that equipment and facilities meet safety standards and are appropriate to the age and ability of all athletes.
- Display control, respect and professionalism to all involved with the sport. This includes opponents, coaches, officials, administrators, the media, parents and spectators. Encourage athletes to do the same.
- Show concern and caution toward sick and injured athletes. Follow the advice of a physician when determining whether an injured athlete is ready to recommence training or competition.
- Obtain appropriate qualifications and keep up to date with the latest coaching practices and the principles of growth and development of young people.
- Any physical contact with a young person should be appropriate to the situation and necessary for the athletes' skill development.
- Show appreciation for volunteers, officials and administrators. Without them events do not take place.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
- Understand the possible consequences of breaching the WAISA Member Protection Policy or Codes of Behaviour.

B3. Officials Code of Behaviour

- Place the safety and welfare of the athletes above all else.
- Be consistent and impartial when making decisions.
- Address unsporting behaviour and promote respect for all people.
- Modify the rules and regulations to match the skill levels and needs of young people. Compliment and encourage all participants.
- Be consistent, objective and courteous when making decisions. Condemn unsporting behaviour and promote respect for all opponents.
- Emphasise the spirit of the competition rather than the errors.
- Encourage and promote rule changes that will make participation more enjoyable. Be a good sport yourself. Actions speak louder than words.
- Keep up to date with the latest trends in officiating and the principles of growth and development of young people.
- Accept responsibility for all actions taken.
- Remember, you set an example. Your behaviour and comments should be positive and supportive. Place the safety and welfare of the participants above all else.
- Give all young people a 'fair go' regardless of their gender, ability, cultural background or religion
- Show appreciation for volunteers and administrators. All contributions are valued equally.
- Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- Preserve and protect the standing and reputation of the organisation
- Understand the possible consequences of breaching the WAISA Member Protection Policy or Codes of Behaviour.

B4. Administrators, Committees and Councillors Code of Behaviour

- Act honestly, in good faith and in the best interests of the sport as a whole.
- Ensure that any information acquired or advantage gained from the position is not used improperly; Conduct your responsibilities with due care, competence and diligence;
- Do not allow prejudice, conflict of interest or bias affect your objectivity.
- Involve all members in planning, leadership, evaluation and decision-making related to the activity. Give all members equal opportunities to participate.
- Create pathways for people to participate in sport, not just as an athlete, but as a coach, judge, administrator, etc.
- Ensure that rules, equipment, and training schedules are modified to suit the age, ability and maturity level of young players.
- Provide quality supervision and instruction for young athletes.
- Remember that people participate for their enjoyment and benefit. Do not over emphasise awards. Help coaches and officials highlight appropriate behaviour and skill development, and help improve the standards of coaching and officiating.
- Ensure that everyone involved in the sport emphasise fair play, rather than winning at all costs. Provide a code of behaviour to spectators, officials, parents, coaches, athletes and the media and encourage them to follow it.
- Show appreciation for volunteers, officials and coaches. All contributions are valued equally.
- Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- Remember, you set an example. Your behaviour and comments should be positive and supportive. Support implementation of the High Performance and Athlete Development Policies and associated policies and guidelines.
- Make it clear that abusing people in any way is unacceptable and will result in disciplinary action.
- Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- Resolve conflicts fairly and promptly through established procedures.
- Make a commitment to quality service and be a positive role model.
- Preserve and protect the standing and reputation of the organisation.
- Understand the possible consequences of breaching the WAISA Member Protection Policy or Codes of Behaviour.

B5. Parents Code of Behaviour

- Encourage children to participate and have fun;
- Focus on the child's effort and performance rather than winning or losing; Never ridicule or yell at a child for making a mistake or losing a competition. Remember that children participate in sport for their enjoyment, not yours. Encourage children to participate, do not force them.
- Encourage children to participate according to the rules and to settle disagreements without resorting to hostility or violence.
- Remember that children learn best by example. Appreciate good performance and skillful moves by all participants.
- Support all efforts to remove verbal and physical abuse from sporting activities.
- Respect officials' decisions and teach children to do likewise.
- Do not physically or verbally abuse or harass anyone associated with the sport.
- Be a positive role model.

- Show appreciation for volunteers, officials and administrators. Without them your child could not participate. All contributions are valued equally.
- Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- Preserve and protect the standing and reputation of the organisation.
- Understand the possible consequences of breaching the WAISA Member Protection Policy or Codes of Behaviour.

B6. Spectators Code of Behaviour

Spectators at any event held or sanctioned by WAISA must meet the following requirements:

- Respect the performance and efforts of all people.
- Reject the use of violence in any form, whether it is by spectators, coaches, officials or athletes.
- Remember that young people participate in sport for their enjoyment and benefits, not yours.
- Applaud good performances and efforts from all individuals and teams. Congratulate all participants on their performance, regardless of the competition's outcome.
- Respect the decision of officials and teach young people to do the same.
- Never ridicule or scold a young athlete for making a mistake. Positive comments are motivational.
- Condemn the use of violence in any form, whether it is by spectators, coaches, officials or athletes.
- Encourage athletes to follow the rules and the officials' decisions.
- Do not use foul language, sledge or harass athletes, coaches or officials.
- Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- Show appreciation for volunteers, officials and administrators. All contributions are valued equally.
- Preserve and protect the standing and reputation of the organisation.
- Understand the possible consequences of breaching the WASIA Member Protection Policy or Codes of Behaviour.

B7. Media Code of Behaviour

All who involve themselves with the WAISA in any capacity shall be deemed to agree to the provisions of this Member Protection Policy and to inspire public and internal confidence in the fairness, honesty and integrity of WAISA.

- Provide coverage of all skating activities, inclusive of all disciplines and levels in competitive and non-competitive events
- Be a positive influence in the shaping of attitudes towards the sport.
- Be aware of the difference between adult sport, professional sport, junior sport and modified sports programs.
- Do not highlight isolated incidents of inappropriate sporting behaviour. Focus on an athlete's fair play and honest effort.
- Do not place unfair expectations on young people. Describe and report on the young people participating in organised sport with knowledge and understanding of their capabilities.
- Focus on the abilities and not the disabilities of all athletes.
- Show appreciation for volunteers, officials and administrators. All contributions are valued equally.
- Respect the rights, dignity and worth of every athlete regardless of their gender, ability,

cultural background or religion.

- Abide by the photographic and videography requirements of this policy.
- Promote a climate of acknowledgement and support in all reporting.
- Identify and report on the benefits of participation in ice skating.
- Be aware of gender equity in all reporting.
- Promote the sport in all its disciplines

16. Schedule C ~ Child Protection Requirements

Part C1: Working with Children Checks 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;
- referee 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 Rules website: www.playbytherules.net

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

Western Australia

Contact the Department for Child Protection

Website: www.checkwwc.wa.gov.au

Phone: 1800 883 979

Australian Capital Territory

Contact the Office of Regulatory Services

Website: www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp

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 Screening Authority

Website: www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland

Contact the Queensland Government Blue Card Services

Website: www.bluecard.qld.gov.au

Phone: 1800 113 611

South Australia

Contact the Department for Education and Child Development

Website: www.families.sa.gov.au/childsafes

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

Website: www.justice.tas.gov.au/working_with_children

Phone: 1300 13 55 13

Victoria

Contact the Department of Justice

Website: www.workingwithchildren.vic.gov.au

Phone: 1300 652 879

C2: Member Protection Declaration

WAISA has a duty of care to all those associated with our Association and to the individuals and organisations to whom this policy applies. As a requirement of our Member Protection Policy, we must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years.

I (name) of

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

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence *[add other crimes you consider relevant e.g. narcotics]*.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence *[add other crimes you consider relevant e.g. narcotics]*
4. To my knowledge there is no other matter that WAISA may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the President of WAISA immediately upon becoming aware that any of the matters set out in clauses 1 to 4 above has changed.

Declared in the State of Western Australia on/...../ (date)

By (Name in full)

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 (In full).....

Signature.....

Date:

18. Schedule D. Complaints, Mediation, Investigation and Tribunal Procedures

D1 - 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 appeal 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.

ATTACHMENTS SCHEDULES.

- Attachment D1:1 Complaints Handling Procedure
 - D1:2 Informal Approaches
 - D1:3 Formal Approaches
- Attachment D2. Mediation
- Attachment D3. Investigation Procedure
- Attachment D4 Procedure for Handling Allegations of Child Abuse
- Attachment D5. Hearings, Tribunal and Appeals Procedure

D1:1 - Complaints Handling Procedure

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary.

They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, WAISA provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organizations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process the WAISA MPIO considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the WAISA Council or such other Tribunal as WAISA Council may choose or may be in place for appropriate action.

All complaints must be submitted in writing to the WASIA Secretary and/or WAISA Disciplinary Committee Chair (as deemed appropriate) and the within fourteen (14) days of the incident occurring - regardless of which step in the process he/she has reached. A complaint can be withdrawn by the complainant at any time.

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.

D1:2-3 - A Practical Guide for the Complainant.

D1:2 - INFORMAL APPROACHES

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

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

Step 2: Contact a MPIO or WAISA Secretary or WAISA 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;
- a MPIO is available by contacting the WAISA Secretary or WAISA President or the WAISA website

The MPIO or other WAISA Councillor, will:

- take confidential notes about your complaint, which they will keep in a secure and confidential place;
- 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 strict confidentiality.

Step 3: Outcomes from initial contact, after talking with the MPIO.

After talking with the MPIO, you may decide:

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

If you wish to remain anonymous, the WAISA can't assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides. This means that you or the WAISA may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations

D1:3 - FORMAL APPROACHES

Step 4: Making a Formal complaint

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

Make a formal complaint in writing to the WAISA Secretary who until another suitable person is appointed shall be the WAISA President, who has the authority to review and adjudicate on these matters. Or

- The WAISA MPIO / WAISA President/WAISA Secretary will assist you or you may personally approach a relevant external agency such as an anti-discrimination commission, for advice.

If you decide to make a formal complaint in writing, the WAISA MPIO / WAISA President/WAISA Secretary will, on receiving the formal complaint and based on the material you have provided, 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. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of the WAISA. In these cases, the WAISA MPIO / WAISA President/WAISA Secretary may determine that the complaint does not warrant a formal resolution procedure;
- to appoint a person to investigate (gather more information on) the complaint; to refer the complaint to an informal or formal mediation session;
- to refer the complaint to a hearing's tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, WAISA MPIO / WAISA President/WAISA Secretary will consider:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised; whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- whether, due to the nature of the complaint, the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent).
- the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the likelihood that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is underway.

If WAISA MPIO / WAISA President/WAISA Secretary 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 [Schedule D6: Disciplinary Measures](#), appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

Step 5: Investigation of the complaint

- A person appointed under **Step 3** will investigate in accordance with [Schedule D3](#) and provide a written report to who WAISA MPIO / WAISA President/WAISA Secretary will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with [Schedule D2](#) or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearing's tribunal, the hearing will be conducted in accordance with [Schedule D5](#)
- If the complaint is referred to the police or other appropriate authority, WAISA will use its best endeavour to provide all reasonable assistance required by the police or other authority.

Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by WAISA unless otherwise decided by the particular tribunal.

Step 6: Reconsideration of initial outcome/investigation or appeal

- If, under the formal complaint process, mediation is unsuccessful, you may request that the WAISA MPIO / WAISA President/WAISA Secretary 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 [Schedule D5](#)

D2 - Mediation.

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This schedule outlines the general procedure of mediation that will follow and is to be read in conjunction with the WAISA's Constitution Division 4 on Mediation.

0. If mediation is chosen, the MPIO or other designation person will, under the direction of WAISA and in consultation with the complainant and the respondent(s), arrange for a mediator.
1. The mediator's role is to assist the complainant and the respondent(s) to reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and the 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.
2. 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.
3. At the end of a successful mediation, the mediator will prepare a document that sets out the agreement which will be signed by the complainant and the respondent(s) as their agreement.
4. If the complaint is not resolved by mediation, the complainant may,
 - a. Write to the WAISA President to request that the WAISA President reconsider the complaint in accordance with point 3; or
 - b. Approach an external agency such as the Department of Local Government, Sport and Cultural Industries.
5. Mediation will not be recommended if:
 - a. The respondent has a completely different version of the events and will not deviate from these;
 - b. The complainant or the respondent(s) are unwilling to attempt mediation;
 - c. Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors is not suitable for mediation; or
 - d. The matter involves proven serious allegations, regardless of the wishes of the complainant.

D3 - Investigation Process.

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

WAISA will provide a written brief to an investigator appointed by the WAISA President or by WAISA Council clarifying the terms of engagement, roles and responsibilities.

The investigator will;

1. Interview the complainant and record the interview in writing.
2. Convey full details of the complaint to the respondent(s) so they can respond.
3. Interview the respondent(s) to allow them to answer the complaint, and record the interview in writing.
4. Obtain statement from witness(es) and other relevant evidence to assist in a determination, if there is a dispute over the facts given by either the complainant or the respondent(s).
5. Make a finding as to whether the complaint is
 - a. Substantiated [there is sufficient evidence to support the complaint];
 - b. Inconclusive [there is insufficient evidence to support either way]
 - c. Unsubstantiated [there is sufficient evidence to show that the complaint is unfounded];

- d. And/or mischievous, vexatious or knowingly untrue.
6. Provide a report to the WAISA President documenting the complaint, the investigation process, evidence, finding and, if requested, recommendations.
7. WAISA will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are either substantiated, inconclusive, unsubstantiated and/or mischievous.
8. 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).
9. The complainant and the respondent(s) may have the right of appeal against any decision based on the investigation
10. Information on our appeals process is in [Schedule D5](#).

D4 - Procedure for Handling Allegations of Child Abuse.

Any individual or organisation to which this MPOI policy applies, must immediately report any Child Abuse incident of a serious or criminal nature to the applicable the State Police Service and other appropriate authority.

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

All people working with WAISA 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 The Western Australia Ice Skating Association Inc so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The President of WAISA 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 an employee of WAISA

- The President of WAISA will consider what services may be most appropriate to support the child and his or her parent/s.
- The President of WAISA will consider what support services may be appropriate for the alleged offender.
- The President of WAISA 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 WAISA
- WAISA 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 **Schedule D6** 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**

Western Australia Police
Non-urgent police assistance
Ph: 134 444
www.police.wa.gov.au

Department for Child and Family Support
www.dcp.wa.gov.au
Ph: (08) 9222 2555 or 1800 622 258

D5. Hearings and Appeals Tribunal Procedure.

D5:1 - Preparation for a WAISA Tribunal Hearing.

D5:2 – The Respondent(s).

D5:3 – The Complainant.

D5:4 – Tribunal Hearing procedure

D5:5 – Tribunal Hearing Date and Rescheduling.

D5:6 – Tribunal Hearing Format procedure

D5:7 - Tribunal Hearing Panel Judication.

D5:8 – Appeal Procedure and Appeal Tribunal.

This procedure will be followed by Hearing Tribunals established by the WAISA to hear related complaints and /or complaints of a serious nature that may occur within WAISA's membership and affiliated club(s).

Note: - Complaints that are outside the jurisdiction of WAISA will be referred to the national governing body [ISA] to be judicated as per the ISA Constitution and the ISA MPIO Policy.

D5:1 - Preparation for a WAISA Tribunal Hearing.

1. A Tribunal Panel will be constituted following the rules outlined in the WAISA's Constitution, to hear a complaint that has been referred to it by the WAISA President/WAISA Secretary and/or by WAISA Council. The number of Tribunal members required to be present throughout the Hearing will be a minimum of three (3) persons.
2. The Tribunal Panel may consist of members of WAISA and/or persons from other Associations and/or past members of WAISA.
3. The Tribunal Panel will be provided with a copy of all relevant correspondence, reports or information received and sent by the WAISA President or WAISA Secretary, 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 [the respondent(s)] to prepare their case for the Hearing.
5. The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
6. It is preferable that the Tribunal Panel include at least one person with knowledge or experience of relevant laws/rules (e.g., Discrimination).

D5:2 - The Respondent(s).

1. The WAISA President or the WAISA Secretary will inform the respondent(s) in writing that a Tribunal Hearing will take place. The notice will outline:
 - a. That the person(s) has the right to appear at the Tribunal Hearing to defend the complaint/allegation;
 - b. Details of the complaint, and /or details of all allegation(s) and the clause of any policy or rule or by-law allegedly breached;
 - c. The date, time, and venue of the Tribunal Hearing;
 - d. That the person(s) may make either verbal or written submissions to the Tribunal Hearing;
 - e. That the person(s) may arrange for witnesses to attend the Tribunal Hearing in support of their position [Statutory Declaration(s) of the witnesses (whom may not be able to attend) or from character witnesses may also be provided to the Tribunal Panel].
 - f. An outline of any possible penalties that may be imposed if the complaint and/or allegation(s) is found true; and
 - g. That legal representation will not be allowed.
 - h. If the respondent(s) is a minor, they should have a parent or guardian present.
2. A copy of any information/documents will be given to Tribunal Panel (e.g. investigation report findings) and will also be provided to the respondent(s).
3. The respondent(s) will be allowed to participate in all WAISA activities and events;
 - a. Pending the decision of the Tribunal;
 - b. Including any available appeal process;
 - c. Unless the WAISA President or WAISA Council believes it is necessary to exclude the respondent(s);
 - (i) From all or;
 - (ii) Some of WAISA activities and events;After considering the nature of the complaint or allegations.

D5:3 - The Complainant

1. The WAISA President or the WAISA Secretary will inform the respondent(s) in writing that a Tribunal Hearing will take place. The notice will outline:
 - a. That the person(s) has the right to appear at the Tribunal Hearing to defend the complaint/allegation;
 - b. Details of the complaint, and /or details of all allegation(s) and the clause of any policy or rule or by-law the respondent(s) allegedly breached;
 - c. The date, time, and venue of the Tribunal Hearing;
 - d. That the person(s) may make either verbal or written submissions to the Tribunal Hearing;

- e. That the person(s) may arrange for witnesses to attend the Tribunal Hearing in support of their position [Statutory Declaration(s) of the witnesses (whom may not able to attend)].
 - f. That legal representation will not be allowed.
 - g. If the respondent(s) is a minor, they should have a parent or guardian present.
2. A copy of any information/documents that have been given to the Tribunal Panel (e.g. investigation report findings) will also be provided to the complainant.
 3. If the complainant believes the details of the complaint/allegation are incorrect or insufficient then the complainant should inform the WAISA President as soon as possible so that the respondent(s) and the Tribunal Panel can be properly informed of the complaint and/or allegation.

D5:4 - Tribunal Hearing Procedure.

1. The following people will be allowed to attend the Tribunal Hearing:
 - a. The Tribunal members whom constitute the Panel;
 - b. The complainant;
 - c. The respondent(s);
 - d. Any witnesses called by the complainant;
 - e. Any witnesses called by the respondent(s);
 - f. Any parent/guardian for a minor and/or support person required to support the complainant of the respondent(s).

D5:5 - Tribunal Hearing Date and Rescheduling.

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 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 Hearing will be rescheduled to a later date.
4. The Tribunal Chairman will inform the WAISA President or the WAISA Secretary of a need to reschedule, and the WAISA President or the WAISA Secretary and the Tribunal Chairperson will organise a date for the Tribunal Hearing to be reconvened.

D5:6 - Tribunal Hearing Format Procedure

5. The Tribunal Chairperson will read out the complaint and ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.
6. **Agrees:** - If the respondent(s) agree with the complaint, then they will be asked to provide evidence or witnesses that should be considered by the Tribunal Hearing Panel when determining any disciplinary measures (penalty/ies).
7. **Disagrees:** - If the respondent(s) disagree with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - a. Reference may be made to brief notes.
 - b. The complainant may call for witnesses.
 - c. The respondent(s) may question the complainant and the witnesses.
8. The respondent(s) will then be asked to respond to the complainant.
 - a. Reference may be made to brief notes
 - b. The respondent(s) may call for witnesses.
 - c. The complainant may ask questions of the respondent(s) and the witnesses.
9. Both the complainant and the respondent(s) may be present when evidence is presented to the Tribunal Hearing Panel. Witnesses may be asked to wait outside of the Tribunal Hearing until required.

D5:7 - The Tribunal Hearing Panel Judication.

10. The Tribunal Hearing Panel may:
 - a. Consider any evidence, and in any form, that is deemed relevant.
 - b. Question any person giving evidence.

- c. Limit the number of witnesses presented to those who provided any new evidence.
 - d. Require the attendance of any witness it deems relevant.
 - e. Act in an inquisitorial manner in order to establish truth of the issue/case before it.
 - f. Video evidence, if available, may be presented, however, the arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
11. If the Tribunal Hearing Panel considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone present, the Tribunal Chairperson may stop any further involvement of that person in the Tribunal Hearing.
 12. After all the evidence has been presented the Tribunal Hearing Panel they will;
 - a. Make their decision in private; and
 - b. Must decide whether the complainant been substantiated on the balance of probabilities (i.e. more probable than not); and
 - c. As the seriousness of the complaint/allegation increases, so does too must the level of satisfaction of the Tribunal that the complaint has been substantiated.
 13. The respondent(s) will be given an opportunity to address the Tribunal Hearing Panel on disciplinary measures which may be imposed:
 - a. Disciplinary measure imposed must be reasonable in the circumstances; and
 - b. Be Fair and Natural Justice to occur.
 14. All Tribunal decisions will be by majority vote.
 15. The Tribunal Chairperson will announce the decision in the presence of all those involved in the Tribunal Hearing and:
 - a. Will declared the Tribunal Hearing closed; or
 - b. May inform those present that the decision is reserved and will be handed down in written form.
 16. The Tribunal Chairperson will within 48 hours:
 - a. Forward to the WAISA President a copy of the Tribunal Hearing Panel's decision; and
 - b. Including any disciplinary measures imposed.
 - c. Forward a letter to the respondent(s) reconfirming the Tribunal Hearing Panel's decision; and
 - d. Including any disciplinary measures imposed, and the letter should outline, if allowed the process and grounds for an appeal.
 - e. Where the matter of the complaint/allegation is of unusual complexity or importance, the Tribunal Chairperson may inform all parties within 48 hours that the Tribunal Hearing Panel's decision will be delayed for a further 48 hours.
 17. The Tribunal Hearing Panel does not need to prove written reasons for its decision.

D5:8 - Appeals Procedure and Appeal Tribunal.

1. A complainant or a respondent(s) who is not satisfied with the decisions either of the WAISA President or the outcome of mediation or a Tribunal Hearing can lodge one appeal to WAISA Council on one or more of the following bases:
 - a. That a denial of natural justice occurred;
 - (i) Reasons must be stated – where and why.
 - b. Or that the disciplinary measure(s) imposed is
 - (i) Unjust and/or
 - (ii) Unreasonable.
 - c. That the decision was not supported by the information provided by the WAISA President or Mediator or the Tribunal Hearing;
 - d. A person (the appellant) wanting to appeal must lodge a letter of “intention to appeal” setting out their basis for their appeal with the WAISA Secretary within 7-days of the relevant decision. An appeal of \$100 shall be included with the letter of “intention to appeal.”
 - e. If the letter of “intention of appeal” is not
 - (i) received by the WAISA Secretary within the above time period (as in step d) or
 - (ii) if the letter of “intention to appeal” is received but the appeal fee is not received by the same relevant time period, then
 - (iii) the appeal lapses on either of those conditions.
 - f. The letter of “intention to appeal” and a copy of the tribunal's decision will be forward to the WAISA President to review and to decide whether there are sufficient grounds for the appeal to

proceed. The WAISA President may invite witnesses to a meeting it believes are required to make an informal decision.

- g. If the appellant has not shown sufficient grounds for an appeal in accordance to steps 1.a.b.and/or c, then the appeal will be rejected. And;
 - (i) The appellant will be notified with reasons; and
 - (ii) The appeal fee will be forfeited.
- h. If the appeal is accepted, an Appeal Tribunal with a new Panel of members will be convened and:
 - (i) To rehear the complaint, and
 - (ii) The appeal fee will be refunded.
- i. The Appeal Tribunal will follow the Tribunal Hearing Procedure format. No person from the original Tribunal Hearing may act on the Appeal Tribunal.

D6 Guidelines for Disciplinary Measures

D6:1 - Preface for Disciplinary Measurers

D6:2 - Individual

D6:3 - Organisations – WAISA Affiliated Clubs

D6:4 – Factors to consider when imposing discipline or penalty.

D6:1- Preface to Disciplinary Measures

- 1. Any disciplinary measure(s) imposed by either the WAISA President or WAISA Council or by a WAISA Tribunal under this MPIO Policy must:
 - a. Observe contractual and employment rules and requirements;
 - b. Conform to the principles of natural justice;
 - c. Be fair and reasonable;
 - d. Be based on the evidence and information presented;
 - e. Be within the powers of the WAISA President, WAISA Council and/or Tribunals to impose the disciplinary measure(s).
 - f. And abide by the WAISA Constitution rules, regulations, policies and by-laws that are currently in place.

D6:2- Individual.

- 1. Subject to contractual and employment requirements, if a finding is made that an individual has breached the WAISA's MPIO Policy [including the Codes of Conduct], one or more of the following forms of discipline may be imposed by the WAISA President, WAISA Council and/or Tribunals:
 - a. A directive that the individual makes a verbal and/or written apology;
 - b. A written warning;
 - c. A direction that the individual attend counselling to address their behaviour;
 - d. A withdrawal of any award(s), placing(s), record(s), and achievement(s) bestowed in any competition, activities or events held or sanctioned by WAISA;
 - e. A demotion or transfer of the individual to another location, role or activity;
 - f. A suspension of the individual's membership or participation or engagement in a role or activity;
 - g. Termination of the individual's membership, appointment or engagement;
 - h. In case of a coach or official, a direction that the relevant organisation de-register the individual's accreditation of the coach or official for a period of time or permanently;
 - i. Any other form of discipline that the WAISA President or Tribunals consider appropriate;
 - j. **Note:** - when imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by the individual in the future may result in the imposition of a more serious form of discipline measure.

D.6:3 – An organisation-WAISA Affiliated Club.

1. If a finding is made that an WAISA affiliated club has breached the WAISA MPIO Policy (including the Codes of Behaviour), one or more of the following forms of discipline may be imposed either by the WAISA President, Tribunal(s) or the WAISA Council.

- a. A written warning;
- b. A monetary fine;
- c. A direction that any rights, privileges and benefits provided to that affiliated club provided by WAISA or any other peak organisations may be suspended for a specified period;
- d. A direction that WAISA cease to sanction events held by or under the auspices of that affiliated club;
- e. A direction that its membership of WAISA be suspended or terminated in accordance with WAISA's Constitution, rules, regulations, policies or by-laws; and/or
- f. Any other form of discipline that WAISA Council considers appropriate.

***Note:** - when imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by the affiliated club in the future may result in the imposition of a more serious form of discipline measure.*

D.6:4 - Factors to consider when imposing discipline measures.

The form of discipline measures to be imposed on an individual or an affiliated club will depend on factors such as;

1. The nature and seriousness of the behaviour and/or incidents;
2. In a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
3. If the individual or affiliated club concerned knew or should have known that the behaviour or incident was a breach of the policy;
4. The level of contrition of the respondent(s);
5. The effect of the proposal disciplinary measures on the respondent(s), including any personal, professional or financial consequences; and/or
6. If there have been relevant prior warnings or disciplinary action; and/or
7. If there are any mitigating circumstances such as that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

E: REPORTING REQUIREMENTS AND DOCUMENTS

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 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.

The following forms for investigation and record keeping

E1: RECORD OF AN INFORMAL COMPLAINT.

E2: RECORD OF A FORMAL COMPLAINT.

E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION.

Attachment E1: RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint		Date: / /
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
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) Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input checked="" type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input checked="" type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input checked="" type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input checked="" type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input checked="" type="checkbox"/> Other	
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 WAISA President

Attachment E2: RECORD OF FORMAL COMPLAINT (Note: 3 pages)

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Location/event of alleged incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds) Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other	
Methods (if any) of attempted informal resolution		

Formal resolution procedures followed (outline)	
If investigated:	<p>Finding</p>
If heard by Tribunal:	<p>Decision</p> <p>Action recommended</p>
If mediated:	<p>Date of mediation:</p> <p>Both/all parties present</p> <p>Agreement</p> <p>Any other action taken</p>
If decision was appealed	<p>Decision</p> <p>Action recommended</p>

Resolution	ý Less than 3 months to resolve ý Between 3 – 8 months to resolve ý 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 WAISA President 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 WAISA 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 either the WAISA President or WAISA Secretary of The Western Australia Ice Skating Association Inc so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The WAISA President 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 an employee of The Western Australia Ice Skating Association Inc.

- The WAISA President will consider what services may be most appropriate to support the child and his or her parent/s.
- The WAISA President will consider what support services may be appropriate for the alleged offender.
- Either the WAISA President or the WAISA Secretary 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 WAISA).
 - WAISA 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**

Western Australia	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support www.dcp.wa.gov.au Ph: (08) 9222 2555 or 1800 622 258

Attachment E4: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION.

Note: 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	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
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:
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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.

Version	Date Reviewed	Date Endorsed	Content Reviewed/Purpose
1:9	1 ST December 2018		Policy totally revised based on Australian Sports Commission and Play by the Rules templates