

KISSING POINT BASEBALL CLUB (“KPBC”)

MEMBER PROTECTION POLICY (MPP)

Creation date: November 2015

Kissing Point Baseball Club (“KPBC”) has adopted the model Member Protection Policy for member clubs recommended and promoted by Ryde Hawks Baseball League Inc. (“RHBL”).

This MPP applies to and binds all members, players, elected office holders, officials, parents, spectators and volunteers of our club.

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MEMBER PROTECTION POLICY

1. Introduction

The Kissing Point Baseball Club (KPBC) is committed to providing a safe and fun atmosphere for children wanting to play the sport of Baseball.

Whilst KPBC will do its best to ensure all of its teams are competitive, its core objectives are:

- Providing appropriate coaching to develop players in accordance with their age and skill level;
- Providing a pathway for those players wishing to pursue representative selection at all levels;
- Reminding all of its players, volunteers, officials and spectators that club or association Baseball is meant to be fun for all participants, including players, coaches, parents and spectators of other teams.

2. Purpose of Our Policy

The main objective of our Member Protection Policy (MPP) is to maintain responsible behaviour and the making of informed decisions by participants in KPBC. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse. Our policy informs everyone involved in KPBC of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in KPBC's activities.

This policy should be read in conjunction with the Member Protection Policies issued by the relevant National (Baseball Australia) and State (Baseball NSW and Association ("RHBL") bodies from time to time.

3. Who Our Policy Applies To

Our policy applies to everyone involved in KPBC including committee members, administrators, coaches, officials (umpires/referees/judges), players, parents and spectators.

4. Extent of Our Policy

Our policy covers unfair decisions (e.g. team selection) and actions, breaches of our code of behaviour and behaviour that occurs at practice, at games, at social events organised or sanctioned by KPBC (or our sport), and on away and overnight trips. It also covers private behaviour where that behaviour brings KPBC or sport into disrepute or where there is suspicion or observed risk or threat of harm towards a child or any other person.

5. CLUB Responsibilities

We will:

- implement and comply with our policy;
- promote our policy to everyone involved in KPBC;
- promote and model appropriate standards of behaviour at all times;
- respond to breaches or complaints made under our policy promptly, fairly, and confidentially;
- review this policy every 12-18 months; and
- seek advice from and refer serious issues to relevant authorities or services (e.g. police, child protection services, counselling services).

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 body request to be referred to them.

6. Individual Responsibilities

Everyone associated with KPBC must:

- comply with the standards of behaviour outlined in our policy;
- treat others with respect;
- always place the safety and welfare of children and people generally above other considerations;
- be responsible and accountable for their behaviour;
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour.

7. Protection of Children

7.1 Child Protection

KPBC is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our officials and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

KPBC acknowledges that our officials, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. KPBC aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

7.1.1: Identify and Analyse Risk of Harm

KPBC will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly KPBC is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an official, volunteer or another person.

7.1.2: Develop Codes of Conduct for Adults and Children

KPBC will ensure that it has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in KPBC's care. KPBC will also implement a code of conduct to address appropriate behaviour between children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. (See Part B)

7.1.3: Choose Suitable Employees and Volunteers

KPBC will ensure that it takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work 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.

KPBC will ensure that working with children checks are conducted for officials and volunteers working with children, where an assessment is required by law.

7.1.4: Support, Train, Supervise and Enhance Performance

KPBC will ensure that volunteers and officials who work with children have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

This will include all volunteers and officials signing an acknowledgement and acceptance of KPBC's code of conduct (relevant to their position) at the beginning of each season in which KPBC participates.

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

KPBC will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

7.1.6: Report and Respond Appropriately To Suspected Abuse and Neglect

KPBC will ensure that volunteers and officials are able to identify and respond to children at risk of harm.

KPBC will make all volunteers and officials aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

In addition to any legal obligation, if any person feels another person bound by this policy is acting inappropriately towards a child or is breaching the code(s) of practice set out they may make an internal complaint to the *Complaints Officer* whose details will be displayed on KPBC's website. (See Responding to Complaints for an explanation of what KPBC will do about the behaviour and how KPBC will deal with the problem).

7.2 Supervision

Members under the age of 18 must be supervised at all times by a responsible adult. KPBC will provide a level of supervision adequate and relative to the members' age, maturity, capabilities, level of experience, nature of activity and nature of venue. If a member finds a member under the age of 18 is unsupervised, they should assume responsibility for the member's safety until the parent/guardian of the member can be found.

Parents must turn up on time to collect their child for reasons of courtesy and safety. If it appears an official or volunteer will be left alone at the end of a training session with just one child, they will ask another official, volunteer or parent to stay until the child is collected.

Each team in which a player who is under the age of 18 years of age participates, should ideally have at least one female official. For the purposes of this clause 7.2 only, official means coach, assistant coach or manager. In the case of the manager a parent of a child in the team may be designated by the manager to carry out that role in the event of absence or illness.

7.3 Transportation

Parents/guardians are responsible for transporting their children to and from practice and games. Where KPBC makes arrangements for the transportation of children, 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 appropriate safety measures are available.

7.4 Taking Images of Children

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

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

8. Anti-harassment, Discrimination and Bullying

KPBC opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying are against the law and are based on particular characteristics such as age, disability, gender, sexual orientation, pregnancy, political or religious beliefs, race, and marital status.

KPBC takes all claims of harassment, discrimination, bullying and cyber bullying seriously. We encourage anyone who believes they have been harassed, discriminated against or bullied to raise the issue with KPBC (see Responding to Complaints).

9. Inclusive practices

KPBC is welcoming and we will seek to include members from all areas of our community.

9.1 People with a disability

Where possible we will include people with a disability in our teams. We will make reasonable adaptations (e.g. modifications to equipment and rules) wherever it is safe and practicable to do so to enable participation.

9.2 People from diverse cultures

We will support and respect people from diverse cultures and religions to participate in KPBC and where possible will accommodate requests for flexibility (e.g. modifications to uniforms).

9.3 Sexual & Gender Identity

All people, regardless of their sexuality, are welcome at KPBC. We strive to provide a safe environment for participation and will take action over any homophobic behaviour.

9.4 Pregnancy

Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport. We recommend pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation.

10. Responding to Complaints

10.1 Complaints

KPBC takes all complaints about on and off-field behaviour seriously. KPBC will handle complaints based on the principles of procedural fairness (natural justice), that is:

- all complaints will be taken seriously;
- both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story);
- irrelevant matters will not be taken into account;
- decisions will be unbiased and fair; and
- any penalties imposed will be fair and reasonable.

More serious complaints may be escalated by reporting them to relevant authorities or service providers and, where KPBC deems it appropriate, to the relevant state or national governing bodies.

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

10.2 Complaint Handling Process

When a complaint is received by KPBC through first contact with a Member Protection Information Officer (MPIO), the MPIO will:

- listen carefully and ask questions to understand the nature and extent of the problem;
- ask what the complainant would like to happen;
- explain the different options available to help resolve the problem;
- take notes; and
- maintain confidentiality but not necessarily anonymity.

The MPIO will complete a Record of Complaint in the same or similar form to that set out in attachment 4.

Once the complainant decides on their preferred option for resolution, KPBC 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 the association, state and/or national body or from an external agency;
- referring the complaint to the association's Complaints Officer ("CO"); 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 the state and/or national body and an investigation is conducted, KPBC will:

- co-operate fully;
- ensure the complainant and respondent are not victimised;
- where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- act on the recommendations of the body(ies) to which the complaint has been referred.

At any stage of the process, a person can seek advice from or lodge a complaint with an anti-discrimination commission or other external agency.

10.3 Disciplinary Measures

KPBC will 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;
- Be determined by our Constitution, By Laws and the rules of the association and the game.

Possible measures that may be taken include:

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

10.4 Appeals

The complainant or respondent can lodge one appeal against decisions of disciplinary measures imposed by KPBC to the association (RHBL). Appeals must be based on either a denial of natural justice (which may include but is not limited to perceptible conflict of interest or a lack or perceptible lack of impartiality, because of unjust or unreasonable disciplinary measures being imposed, or on the grounds that the decision was not supported by the information/evidence presented and available to the decision maker and/or KPBC.

In the event that the matter complained of is referred to the association or to BNSW for determination, the relevant appeal process will be that set out in the Member Protection Policy of the association or BNSW, as applicable.

Attachment A: WORKING WITH CHILDREN CHECK REQUIREMENTS

KPBC and insists that all officials and volunteers working with children carry out a Working with Children Check in accordance with the laws as prescribed from time to time in New South Wales.

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
- referee checks, and
- other relevant background checks to assess a person's suitability to work with children and young people.

Detailed information, including the forms required to complete a Working with Children Check, are available by contacting:

The Commission for Children and Young People

Website: www.kids.nsw.gov.au

Phone: 02 9286 7276

KPBC will ensure that each person who works or volunteers with KPBC and is required to submit a Working with Children Check will be advised of the relevant forms and information to complete them prior to the commencement of any duties that involve working with children.

Attachment B: CODES OF CONDUCT

2.1 RHBL - Coaches Code of Conduct

The coach of a team may be the second most influential person in a player's life. Coaches, through their own behaviour (on and off the field) have an enormous impact on the development of young players. In establishing a solid foundation of character building with players, the key responsibility of any coach is to lead by example. This holds true at all levels of development. The responsibilities and duties of a coach are not simple and should be dealt with in a professional manner. For these reasons RHBL endorses BA Code of Ethics for all coaches participating in BA, BNSW and RHBL endorsed and organised tournaments, development programs and special events. These principles are considered practicable and are within the aims and objectives of this Federation.

- Provide supervision of the behaviour of the team at all times.
- Do not criticise players in front of spectators, parents and other teams. Review constructive criticism with a player in private or in the presence of the team.
- Accept decisions of the umpire as being fair and called to the best of their ability. Do not abuse or ridicule the umpire nor allow your players to do so.
- Develop team respect for opponents, spectators and officials. Do not criticise other teams, supporters or officials by words or gestures.
- Set a good example in personal appearance and behaviour.
- Encourage sportsmanlike behaviour among the players.
- Ensure whenever possible all players have equal time on the diamond. Avoid overplaying the talented players - the average players need and deserve equal time.
- Encourage players to work together as a unified group (teamwork).
- Keep yourself informed of sound coaching principles and seek more skilled advice when necessary.
- Encourage your team to hustle on and off the playing field at all times.
- Place the welfare and development of the individual above a winning or losing record.
- Do not embarrass your opponents.
- Do not use any form of tobacco or alcohol of any description on the field, in the dugouts, bullpens or while in uniform.
- Whenever possible, provide assistance with coaching expertise and knowledge to developing teams.
- Abide by the tournament rules and regulations established by BA.
- Be aware of any player with medical problems.
- Strive to develop a positive image and self sufficient attitude with each player.

2.2 RHBL – Officials Code of Conduct

All team officials (managers, scorers and umpires) who are involved with Baseball within the RHBL association will:

- Keep myself informed of sound coaching principles and seek more skilled advice when necessary.
- Accept decisions of the umpire as being fair and called to the best of their ability.
- not abuse or ridicule the umpire, or allow players to do so.
- Play by the rules of the competition
- Provide supervision of the behaviour of the squad at all times.
- Encourage sportsmanlike behaviour among the players.
- Always consider the health and welfare of the individual player above the winning of the game.
- Not consume / use any unapproved substances on or adjacent to the playing and training areas. This includes Cigarettes, alcohol, chewing tobacco, or drugs (other than those legally prescribed by a physician).
- Seek medical advice when determining when an injured player can return to training or competition.
- Not criticise other teams, supporters or officials, by word or gesture.
- Control **his/her** temper and recognise that swearing or verbal abuse of umpires will not be tolerated.
- Not criticise players in front of spectators, parents or other teams.
- Ensure all players have a fair share of time on the diamond, **both in-field and out-field.**

- Set a good example in my personal appearance and behaviour.
- Encourage my team to hustle on and off the playing field.
- Treat all players with respect at all times.
- Be fair, considerate, honest and consistent with them.
- Refrain from conduct which could be regarded as harassment towards players, coaches, parents or other officials.
- Be acutely aware of the power that you as an official has with players and other participants and avoid any sexual intimacy with players that could develop as a result.
- Avoid situations which could be regarded as compromising.
- Accept responsibility for all actions taken.
- Avoid situations which may lead to a conflict of interest.
- Ensure any physical contact with players is appropriate to the situation and necessary for the player's skill development.

I understand that the sportsmanship required of me demands that I will:

- Applaud all good plays from either team.
- Never embarrass our opponents.
- Never deliberately provoke a member of the opposing team.
- Accept the decisions of the umpires as being fair and called to the best of their ability.
- Not abuse or ridicule the umpire, or allow my team to do so.
- Not abuse equipment.
- Enforce Baseball NSW Players Code of Conduct

2.3 RHBL – Parents/Guardians Code of Conduct

RHBL has implemented the following Parent Code of Conduct for the important message it holds about the proper role of parents in supporting their child in sports. Parents should read, understand and sign this form prior to their children participating in any Ryde Hornsby Baseball league teams or clinics.

Any parent guilty of improper conduct at any game or practice or clinic will be asked to leave the sports facility and be suspended from the following game/session. Repeat violations may cause a multiple game suspension, or the season forfeiture of the privilege of attending all games.

If the offense is considered serious enough then your child's participation with Ryde Hawks Baseball League teams or clinics may be affected as will a failure to sign the Parent Code of Conduct.

The essential elements of character-building and ethics in sports are embodied in the concept of sportsmanship and six core principles:

1. Trustworthiness,
2. Respect,
3. Responsibility,
4. Fairness,
5. Caring, and
6. Good Citizenship.

The highest potential of sports is achieved when competition reflects these "six pillars of character".

Parent Code of Conduct

1. I will not force my child to participate in sports.

2. I will remember that children participate to have fun and that the game is for the youth, not adults.
3. I will inform the team manager or nominated Ryde Hawks Baseball League official of any physical disability or ailment that may affect the safety of my child or the safety of others.
4. I will learn the rules of the game and the policies of the league.
5. I (and my guests) will be a positive role model for my child and encourage sportsmanship by showing respect and courtesy, and by demonstrating positive support for all players, coaches, officials and spectators at every game, practice or other sporting event.
6. I (and my guests) will not engage in any kind of unsportsmanlike conduct with any official, coach, player, or parent such as booing and taunting; refusing to shake hands; or using profane language or gestures.
7. I will not encourage any behaviour's or practices that would endanger the health and well being of the athletes.
8. I will teach my child to play by the rules and to resolve conflicts without resorting to hostility or violence.
9. I will demand that my child treat other players, coaches, officials and spectators with respect regardless of race, creed, colour, sex or ability and ensure they meet the Player Code of Conduct requirements.
10. I will teach my child that doing one's best is more important than winning, so that my child will never feel defeated by the outcome of a game or his/her performance.
11. I will praise my child for competing fairly and trying hard, and make my child feel like a winner every time.
12. I will never ridicule or yell at my child or other participants for making a mistake or losing a competition.
13. I will emphasize skill development and practices and how they benefit my child over winning. I will also de-emphasize games and competition in the lower age groups.
14. I will promote the emotional and physical wellbeing of the athletes ahead of any personal desire I may have for my child to win.
15. I will respect the officials and their authority before/during/after games and will never question, discuss, or confront coaches at the game field, and will take time to speak with coaches at an agreed upon time and place.
16. I will demand a sports environment for my child that is free from drugs, tobacco, and alcohol and I will refrain from their use at all sports events.
17. I will refrain from coaching my child or other players during games and practices, unless I am one of the official coaches of the team.
18. All Communication will be directed to the Team Manager or nominated Ryde Hawks Baseball League Official. **In the case of a dispute, suspected child abuse or inappropriate behaviour, discussion with KPBC's MPIO [Member Protection Information Officer] is recommended.** Under no circumstances will I communicate either verbally or electronically with a Coach or Assistant Coach of RHBL.

2.4 RHBL – Players Code of Conduct

All players representing RHBL or one of its member clubs are committed to the following Code of Conduct. It requires that you meet high standards as a sportsman, as a team member and as an individual.

As an individual participating in any RHBL Club Competition or Representative team, I will:

- Play by the rules of the competition.
- Accept the recommendations of BNSW regarding safe play and equipment.
- Never argue with an official, or an umpire and accept their decisions as being fair and called to the best of their ability.
- Not consume / use any unapproved substance. This includes cigarettes, alcohol, chewing tobacco, or drugs (other than those legally prescribed by a physician).
- Control my temper. I recognize that swearing or verbal abuse of officials, other players, or spectators will not be tolerated.
- Be responsible for my personal appearance, behaviour and personal hygiene.
- Not cause any loss, or damage to private property, or cause a disturbance to others.
- Behave in a polite and appropriate manner towards others.
- Not invite / allow anyone other than team personnel to remain in restricted areas such as the dugout, unless they have the expressed permission of the team management.
- Refrain from conduct which could be regarded as harassment towards fellow players and coaches.
- Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
- At all times avoid intimate relationships with your coach.

As a member of any representative or development team, I will:

- Work hard for myself and my team.
- Co-operate with my own team officials, team mates and opponents.
- Be prompt for training and games.

I understand that the sportsmanship required of me demands that I will:

- Applaud all good plays from either team
- Never deliberately distract, or provoke an opponent.
- Treat all players as I would like to be treated.
- Will not interfere with, bully or take unfair advantage of any other player.
- Will not abuse equipment (mine or others) or throw bats or helmets in frustration

2.5 RHBL – Spectators Code of Conduct

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

1. Respect the decisions of officials and teach young people to do the same.
2. Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
3. Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or players.
4. Show respect for your team's opponents. Without them there would be no game.
5. Do not use violence, harassment or abuse in any form (that is, do not use foul language, sledge or harass players, coaches, officials or other spectators).
6. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p><input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision</p> <p><input type="checkbox"/> Other</p>
<p>What they want to happen to fix issue</p>	
<p>Information provided to them</p>	
<p>Resolution and/or action taken</p>	
<p>Follow-up action</p>	

Signed by Complaints Officer (or MPIO):

Name of Complaints Officer (or MPIO):

Attachment D: COMPLAINT HANDLING PROCEDURES

Attachment D1: COMPLAINTS PROCEDURE

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

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

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

INFORMAL APPROACHES

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

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

Step 2: Contact a Member Protection Information Officer

Talk with one of our *Member Protection Information Officers (MPIOs)* if:

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

Our MPIOs contact details can be found on KPBC website <http://baseball.kpsc.asn.au/>

The *MPIO* will:

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

Step 3: Outcomes from initial contact

After talking with the *MPIO* you may decide:

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

FORMAL APPROACHES

Step 4: Making a Formal complaint

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

- make a formal complaint in writing to *KPBC's Complaints Officer*. *Contact details of KPBC's Complaints Officer can be found in KPBC's website <http://baseball.kpsc.asn.au/>*
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the *Complaints Officer* will decide whether:

- she or he are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to appoint a person to **investigate** (gather more information on) the complaint;
- to refer the complaint to mediation;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the *Complaints Officer* will take into account:

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

If *the Complaints Officer* is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

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

Step 5: Investigation of the complaint

- An investigator appointed under Step 4 will conduct an investigation and provide a written report to *the Complaints Officer or tribunal* who will determine what further action to take. Attachment D3 describes the investigation process;
- If the complaint is to be referred to mediation, a qualified, professional Mediator would need to be appointed and the mediation will be conducted in accordance with the rules set by the Mediator. If the Mediator is not providing the mediation service on a voluntary (free of charge) basis, then the parties will first have to agree to share the costs of the mediation equally, regardless of the outcome of the mediation. The mediation process is explained in Attachment D2;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with *Attachment D5 and KPBC's Rules for Disciplinary Tribunal Hearings*.
- If the complaint is referred to the police or other appropriate authority, *KPBC* will use its best endeavours to provide all reasonable assistance required by the police or other authority.

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that *the Complaints Officer* reconsider the complaint in accordance with **Step 3**.

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

Step 7: Documenting the resolution

Depending on the process followed, either the Complaints Officer or Chairperson of the KPBC Disciplinary Tribunal will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

EXTERNAL APPROACHES

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

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

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

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

Attachment D2: MEDIATION

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

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

Attachment D3: INVESTIGATION PROCESS

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

1. The *Complaints Officer* will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
 - 1.1 Interview the complainant and record the interview in writing.
 - 1.2 Convey full details of the complaint to the respondent (s) so that they can respond.
 - 1.3 Interview the respondent to allow them to answer the complaint, and record the interview in writing.
 - 1.4 Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
 - 1.5 Make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - mischievous, vexatious or knowingly untrue.
 - 1.6 Provide a report to *the Complaints Officer or tribunal (as the case requires)* documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
2. Where a tribunal is not convened to hear and determine the matter, the *Complaints Officer* will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. *MPIO* or other person).
4. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in *Attachment D5*.

Attachment D4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

Step 1 – Initial Receipt of an Allegation

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

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

Step 2 – Report allegations

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

Step 3 – Protect the child and manage the situation

- The complaint handler at *KPBC* (the *CO* or some other person appointed to handle the complaint) will assess the risks and take interim action to ensure the child's/children's safety. Action that *KPBC* may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined. *Please be aware it is not the MPIO's role to undertake action such as redeploying someone and seek legal advice if person is in a paid employment.*
- The complaint handler will consider the kind of support that the child/ren and parents may need (e.g. counselling, helplines, support groups).
- An *MPIO* will address the support needs of the alleged offender.
- The complaint handler with the approval of the *KPBC* Board will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the (respondent) person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 – Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
 - Criminal (conducted by police)
 - Child protection (conducted by child protection authority)
 - Disciplinary or misconduct (conducted by *KPBC*)
- Irrespective of the findings of the child protection and/or police inquiries, *KPBC* will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be *the KPBC Disciplinary tribunal* or the Board of *KPBC* and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding,

- recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined in Clause 10 of the MPP will be followed.
- If disciplinary action is taken, then *KPBC* will advise and provide a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

Attachment D5: HEARINGS & APPEALS TRIBUNAL PROCEDURE

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

Preparation for Tribunal Hearing

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

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

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

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

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

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

Tribunal Hearing Procedure

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

24. Within 48 hours, the Tribunal Chairperson will:
- Forward to the *Complaints Officer* a copy of the Tribunal decision including any disciplinary measures imposed.
 - Forward a letter to the respondent(s) reconfirming the Tribunal decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. Where the matter is of unusual complexity or importance, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.
25. The Tribunal does not need to provide written reasons for its decision.

Appeals Procedure

26. A complainant or a respondent(s) who is not satisfied with the decision of a *Complaints Officer*, or the outcome of mediation, can lodge one appeal to the Club Tribunal or to *RHBL* on one or more of the following bases:
- 26.1 That a denial of natural justice has occurred; or
 - 26.2 That the disciplinary measure(s) imposed is unjust and/or unreasonable.
 - 26.3 That the decision was not supported by the information/evidence provided to the *Complaints Officer* or Mediator.
27. A person wanting to appeal in accordance with clause 26 must lodge a letter setting out the basis for their appeal with the Secretary/Public Officer of KPBC or of RHBL within 14 days of the relevant decision.
28. If the letter of appeal is not received by the Secretary/Public Officer within the time period the right of appeal lapses.
29. The letter of appeal and copy of *complaint handler's* or Mediator's decision or report will be forwarded to the *Chairperson of the club or of the RHBL Board* to review and decide whether there are sufficient grounds for the appeal to proceed. The *Chairperson* may invite any witnesses to the meeting he or she believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified with reasons.
31. If the appeal is accepted an Appeal Tribunal with a new panel will be convened to rehear the complaint. .
32. The Tribunal Procedure shall be followed for the appeal.
33. The decision of an Appeal Tribunal will be final.
34. A complainant or respondent who is not satisfied with the decision of the club tribunal or on appeal to the RHBL Disciplinary Tribunal convened to hear a complaint (whether at first instance or as an Appeal Tribunal) may be able to lodge an appeal to the State organisation (Baseball NSW). A person wishing to appeal an RHBL Disciplinary Tribunal decision should contact Baseball NSW to ascertain its rules and requirements regarding appeals from Association tribunal decisions.