



## **PART 1**

# **BASKETBALL QUEENSLAND CHILD PROTECTION POLICY**

Created on 01/01/2007



# BASKETBALL QUEENSLAND

## Child Protection Policy

### 1. Area of responsibility

Administration

### 2. Date last updated

12 March 2011

### 3. Purpose

POLTD17

### 4. Purpose

The purpose of this policy is to provide information and guidelines for keeping children safe from abuse, harassment and discrimination and protecting them from people who are unsuitable to work with children.

## **TABLE OF CONTENTS**

### **PART A – CHILD PROTECTION POLICY**

1. Commitment to Child Safety
2. Types of Child Abuse, Discrimination & Harassment
3. Who this Policy Applies To
4. Obligations of Organisation/Association/Club & Individuals
5. Preventative Measures
  - Codes of Behaviour
  - Selection Policies
  - Blue Card Requirements ( Queensland)
  - Member Protection Declarations
  - Member Protection Tribunal
  - Member Protection Officer, Mediator, Tribunal Registrar
6. Reporting Guidelines, Complaints Resolution & Penalties
  - Reporting Guidelines
  - Complaints Resolution Procedures
  - Penalties
7. What is a Breach of this Policy

### **PART B – ATTACHMENTS: DICTIONARY**

- B1. Types of Child Abuse, Discrimination & Harassment

### **PART C – ATTACHMENTS: ROLE-SPECIFIC CODES OF CONDUCT**

- C1. General Code of Conduct
- C2. Administrators Code of Conduct
- C3. Coaches Code of Conduct
- C4. Players Code of Conduct
- C5. Officials Code of Conduct
- C6. Parents Code of Conduct
- C7. Spectators Code of Conduct

### **PART D – ATTACHMENTS: CHILD PROTECTION REQUIREMENTS**

- D1. Recruitment, Training & Management Obligations of Organisation
- D2. QLD Blue Card Requirements
- D3. Member Protection Declaration Form
- D4. Coaches & Managers Code of Ethics Agreement Forms
- D5. Establishment of Member Protection Tribunal
- D6. Responsibilities of Member Protection Officer

### **PART E – ATTACHMENTS: COMPLAINT HANDLING PROCEDURES**

- E1. Complaints Procedure
- E2. Mediation Procedure
- E3. Investigation Procedure – General
- E4. Investigation Procedure – Child Abuse

- E5. Hearings & Appeals Tribunal Procedure
- E6. Disciplinary Measures

**PART F – ATTACHMENTS: REPORTING DOCUMENTS/FORMS**

- F1 Principles to be followed in completing reports
- F2 Record of Informal Complaint
- F3 Record of Formal Complaint
- F4 Record of Child Abuse Allegation
- F5 Record of Mediation
- F6 Record of Investigation
- F7 Record of Tribunal Decision
- F8 Child Protection Incident Report Form
- F9 Injury/Incident Report Form

**PART G – ATTACHMENTS: OTHER INFORMATION**

**PART H – AMENDMENTS TO POLICY**

## **PART A**

### **BASKETBALL QUEENSLAND - CHILD PROTECTION POLICY**

#### **1: Commitment to Child Safety**

Basketball Queensland is aware of its duty-of-care and responsibility for the health, safety and well-being of all its members and participants who are under the age of 18 and is committed to providing a safe environment for participation in the sport of basketball throughout Queensland.

Child Protection is about keeping children safe from abuse, discrimination and harassment and protecting them from people who are unsuitable to work with children. It is often a legal requirement, with each state & territory of Australia having its own child protection laws that cover the reporting and investigation of cases of child abuse. It is also an ethical obligation and a very important consideration in meeting “duty-of-care” obligations.

The most effective resource of organizations is informed people. Increasing an adult’s awareness of how abuse can happen, what to look for, and fostering a sense of responsibility for the welfare of children under his/her care are the most effective strategies that can be implemented.

The Basketball Queensland Child Protection Policy is under-pinned by the Basketball Australia Member Protection By-Laws and involves:

- providing documentation about the appropriate conduct of Basketball Queensland employees, members and participants via Codes of Behaviour and Selection Policies
- adopting appropriate measures to ensure the right people are involved within Basketball Queensland by ensuring all screening “Blue Card” requirements of the Commission for Children and Young People and Child Guardian Act 2000 and all requirements of Basketball Australia Member Protection By-Laws regarding Member Protection Declarations are met.
- establishing a Member Protection Tribunal to hear and determine matters and appeals under the BA Member Protection By-Law
- appointing a Member Protection Officer, a Mediator and a Tribunal Registrar as part of the Complaints Resolution procedure and publishing and displaying names and contact details of such persons as required under the By-Law
- providing education in the areas of increased awareness of what is and is not acceptable behaviour; reporting guidelines for complaints and suspicions of harm; the appeals process; and penalties which can be imposed - via communication and support strategies including on-line training modules on child protection ([www.playbytherules.com.au](http://www.playbytherules.com.au)) and awareness of Basketball Australia Member Protection By-Laws
- identifying and assessing risks of harm and ensuring that risk controls are understood, put in place and regularly updated
- ensuring all BQ Board members, staff members, affiliated Associations and other relevant persons/businesses take responsibility for the relevance and adherence to risk management policies
- identifying person/persons responsible for the operational control and overall responsibility for monitoring the accuracy, relevance and adherence to the Policy

Under Clause 5.1(c) of the BA Member Protection By-Laws:

- This policy will be made available to all employees, Board/committee members, members, associations, clubs and participants of Basketball Queensland via the Basketball Queensland website.
- Any amendments made to it from time to time will be communicated to all employees, Board/committee members, and Associations via e-mail and published via the Basketball Queensland website.
- The attention of members and parents will be drawn to the Policy at least twice per year via E-newsletter to all Members & Affiliates.
- A written copy of the Policy will be available for inspection at the Basketball Queensland office.
- The Policy will be directed to the attention of all current employees and Board members once per year through training sessions and to all new staff at the time of employment.

## **2: Types of Child Abuse, Discrimination & Harassment**

1. Sexual abuse/sexual misconduct
2. Suggestive behaviour
3. Inappropriate touching
4. Physical abuse (including hitting, pushing, shoving or throwing equip at a child)
5. Emotional abuse
  - a) Excessive or unreasonable demands from persons in authority
  - b) Verbal abuse
  - c) Bullying
  - d) Threats
6. Neglect (failing to provide basic physical & emotional necessities, harming a child or putting a child at risk eg leaving a child on-field with concussion)
7. Pornography & internet offences
8. Unlawful discrimination - prohibited on grounds of:
  - Age
  - Disability
  - Marital status
  - Parental/carer status
  - Physical features
  - Political belief
  - Pregnancy
  - Race
  - Religious belief
  - Sex/gender
  - Sexual orientation
  - Sexual identity
9. Fair discrimination
  - a) where permitted by Commonwealth or State Law
  - b) where safety is an issue if the person was not discriminated against eg wheel-chair person in able-bodied competition; males vs females; age-grouping
  - c) player selection/coach selection policies
10. Indirect discrimination (requesting, assisting, instructing, encouraging another person to engage in discrimination)
11. Sexual Harassment
  - a) an unwelcome sexual advance from a person over the age of 18 years
  - b) an unwelcome sexual advance from a person under the age of 18 years
  - c) an unwelcome request for sexual favours
  - d) any unwelcome conduct of a sexual nature (including a statement - orally, by text message or in writing)

- e) uninvited touching, kissing, embracing, massaging
  - f) staring, leering, ogling
  - g) smutty jokes & comments
  - h) persistent or intrusive questions about a person's private life
  - i) repeated invitations to go out, especially after prior refusals
  - j) use of promises or threats to coerce someone into sexual activity
  - k) display of sexually explicit material eg internet use, computer screen savers, calendars, posters
  - l) getting undressed in front of others of the opposite sex or differing sexual orientation
  - m) invading the privacy of others while showering or toileting
  - n) encouraging or coercing a person to change sexual orientation or practices
12. Victimisation
- a) where a person is subject to, or is threatened to suffer, any detriment or unfair treatment – because that person has or intends to pursue their legal rights under anti-harassment legislation or under BA Member By-Laws
13. Intimate relationships between coaches/managers & players
- a) of a sexual nature
  - b) of a non-sexual nature
14. Vilification
- a) where harm is threatened
  - b) inciting hatred towards a person or group by public act
  - c) showing serious contempt for a person or group by public act
  - d) inciting severe ridicule of a person or group by public act

### **3: Who this Policy Applies to**

This policy applies to the following, whether they are in a paid or voluntary capacity:

- Individuals sitting on Boards, Committees and sub-committees
- Employees and volunteers
- Support personnel (eg managers, physiotherapists, psychologists, masseurs, sports trainers)
- Coaches and assistant coaches
- Athletes and players
- Referees, umpires & other officials
- Members, including life members
- Member Associations
- Affiliated clubs and associated organizations
- Any other person or organization that is a member of or affiliated to Basketball Queensland
- Parents, guardians, spectators and sponsors to the full extent that is possible

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

### **4: Obligations of Organisation/Association/Club & Individuals**

Child protection legislation places specific requirements on organizations/Associations/clubs and on individuals within a wide range of activities involving children under the age of 18 years.

Organisations engaging paid employees or volunteers that need a Blue Card are required by legislation to develop and implement annually, a risk management strategy to promote the well-being of children in their care and protect them from harm.

Individuals are required to comply with an organisation's request for screening and adhere to the organisation's policies and procedures, codes of behaviour and other risk management strategies.

Requirements for individuals and organizations originating outside of respective states or territories of Australia

- if one of our Queensland associations or affiliated clubs takes junior players into New South Wales for training camps, competitions or other activities, those traveling with the teams must comply with the New South Wales legislation requirements
- if an association or club from another state/territory of Australia brings junior players into Queensland for training camps, competitions or other activities, those traveling with teams must comply with the Queensland legislation requirements of Blue Card screening

## **5: Preventative Measures**

### 5.1 Codes of Behaviour ([http://www.basketballqld.net.au/uploads/res/7\\_22272.doc](http://www.basketballqld.net.au/uploads/res/7_22272.doc))

- General Code of Behaviour
- Administrator Code of Behaviour
- Coach Code of Behaviour
- Official Code of Behaviour
- Player Code of Behaviour
- Parent/Guardian Code of Behaviour
- Spectator Code of Behaviour

### 5.2 Selection Policies ([http://www.basketballqld.net.au/uploads/res/7\\_22272.doc](http://www.basketballqld.net.au/uploads/res/7_22272.doc))

- State Player Selection Policy & Procedures
- State Coach & Manager Selection Policy

### 5.3 Blue Card Requirements (Queensland legislation)

- Applies to:
  - persons carrying on a regulated business (providers of recreational activities such as sporting camps & programs)
  - paid employees in regulated employment (sport & active recreation)
  - volunteers (unless exempt) including coaches, referees, scorebench, managers
- Exemptions (applicable to BQ participants):
  - children under 18 who are volunteers (except students required to work in regulated employment as part of their studies)
  - parents (child's mother, father or guardian) who volunteer their services or are involved in sport and active recreation, where their child is involved in the same or similar activity
- **Mandatory** for High Risk Roles (Clause 8.1 - BA Member Protection By-Laws)
  - coaches who are appointed for reward



- volunteers who will or are likely to travel away with, or attend training camps with, teams/players under 18 years of age
  - volunteer coaches and managers seeking appointment who will or are likely to travel away with, or attend training camps with, teams/players under 18 years of age
  - volunteer coaches and managers seeking employment who are likely, in the future, to travel away with, or attend training camps with, teams/players under 18 years of age
  - persons appointed where that person is likely to have *individual and unsupervised contact* with players under 18 years of age, especially coaches, managers & fitness personnel.
- Screening (Working with Children Check) requirements
    - volunteers (unless exempt) must have a Blue Card before they start volunteering
    - paid employees can begin or continue to work while waiting for the outcome of their Blue Card application
    - employers/volunteer organisations are responsible for applying for paid employees and volunteers and MUST sight the applicant's identification documents as specified on the form
    - persons carrying on a regulated business are responsible for applying for their own Working with Children Check and MUST sight the applicant's identification documents as specified on the form
    - employers/volunteer organisations who have been advised by employees/volunteers that there is a change in their criminal history MUST NOT continue to employ that person without applying for a new Working with Children Check.
    - persons carrying on a regulated business must immediately notify the Commission of any change to their criminal history
    - a Blue Card holder who is convicted of a serious offence cannot start or continue in regulated employment or carry on a regulated business until a new card is issued
    - employers/volunteer organisations are not entitled to dismiss employees/volunteers because of notice given by the Commission that such employee/volunteer is being reassessed.

#### 5.4 Member Protection Declarations (Clause 10 – BA Member Protection By-Laws)

- **Mandatory** for all preferred applicants & existing appointees in the following types of roles:
  - (a) coaches (including assistant coaches) appointed or seeking appointment for reward
  - (b) persons appointed or seeking appointment who will or are likely to travel away with, or attend training camps with, persons under 18 years of age
  - (c) persons (including coaches) appointed or seeking appointment to a role in which that person is likely at any time to have individual and unsupervised contact with persons under 18 years of age.

#### 5.5 Member Protection Tribunal (Clause 6 – BA Member Protection By-Laws)

- **Mandatory** for Basketball Australia, Basketball Queensland, and League Associations (if applicable) to each establish a Member Protection Tribunal
- Purposes of Tribunal:
  1. to decide on the insertion of a persons name onto the Member Protection Register under Clauses 8 & 10 of the BA Member Protection By-Law
  2. to decide on the removal of a persons name from the Member Protection Register under Clauses 8 & 10 of the BA Member Protection By-Law
  3. to hear and determine complaints and allegations of discrimination, harassment, abuse, inappropriate behaviour or vilification referred to it

#### 5.6 Member Protection Officer, Mediator, Tribunal Registrar (Clause 5 – BA Member Protection By-Laws)

- **Mandatory** for Basketball Australia, Basketball Queensland and League Associations (if applicable) to appoint at least one Protection Officer, at least one Mediator and one Registrar
- Names & contact details of such persons must be published and displayed

### **6: Reporting Guidelines, Complaints Resolution Procedures & Penalties**

#### 6.1 Reporting Guidelines

- Prohibited Persons Register – established and maintained by Basketball Australia, accessible via a secure intranet service (Clause 22 – BA Member Protection By-Laws)
- Reporting Documents/Forms
  - Confidential Record of Complaint/Allegation
  - Record of Mediation
  - Record of Tribunal Decision

#### 6.2 Complaints resolution procedures (Clause 17 – BA Member Protection By-Laws)

- Initial complaints (verbal or written) should be made to:
  - Step 1 : an appropriate person within the organization (eg team manager, coach, Assoc President, etc) for informal resolution if possible
  - Step 2: a Member Protection Officer (if appointed) within the organization
  - Step 3 : a Basketball Queensland Member Protection Officer **or** CEO/President of Basketball Queensland
- CEO/President or other appropriate person (as referred to above) should:
  - (a) advise complainant of procedures and his/her rights under this By-Law
  - OR (b) refer complainant to a Member Protection Officer
- Receipt of information (verbal or written) regarding suspected breaches - by Basketball Queensland's CEO/President or Member Protection Officer - should be dealt with, as if a complaint has been made

- Mediation, Investigation & Hearings procedures should be documented & followed
- Appeals should be made to an Appeals Tribunal established by Basketball Australia, Basketball Queensland or relevant League Association

### 6.3 Penalties (Clause 20 – BA Member Protection By-Laws)

- For breaches committed by organisations
- For breaches committed by individual persons
- Documentation required:
  - Disciplinary Measures for various breaches
  - Factors to be considered when imposing penalties
  - Consequences of a second or subsequent breach
  - Reporting Requirements

## **7. What is a Breach of this Policy**

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

- Done anything contrary to this policy;
- Breached the Role-Specific Codes of Conduct;
- Brought the sport of basketball and/or Basketball Queensland into disrepute;
- Failed to follow Basketball Queensland policies and procedures for the protection, safety and welfare of children;
- Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- Discriminated against or harassed any person;
- Victimised another person for reporting a complaint;
- Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- Disclosed to any unauthorised person or organisation any Basketball Queensland information that is of a private, confidential or privileged nature;
- Made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- Failed to comply with a direction given to the individual or organisation during the discipline process.

## **PART B - ATTACHMENTS**

### **B1 - Basketball Queensland: Types of Child Abuse, Discrimination & Harassment**

To ensure the provision of information to all employees, members and participants on the types of child abuse, discrimination and harassment.

#### Types of child abuse, discrimination & harassment

1. Sexual abuse/sexual misconduct
2. Suggestive behaviour
3. Inappropriate touching
4. Physical abuse (including assault, hitting, pushing, shoving or throwing equipment at a child)
5. Emotional abuse
  - a) Excessive or unreasonable demands from persons in authority
  - b) Verbal abuse
  - c) Bullying
  - d) Threats
6. Neglect (failing to provide basic physical & emotional necessities, harming a child or putting a child at risk eg leaving a child on-field with concussion)
7. Pornography & internet offences
8. Unlawful discrimination - prohibited on grounds of:
  - Age
  - Disability
  - Marital status
  - Parental/carer status
  - Physical features
  - Political belief
  - Pregnancy
  - Race
  - Religious belief
  - Sex/gender
  - Sexual orientation
  - Sexual identity
9. Fair discrimination
  - a) where permitted by Commonwealth or State Law
  - b) where safety is an issue if the person was not discriminated against eg wheel-chair person in able-bodied competition; males vs females; age-grouping
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  - e) uninvited touching, kissing, embracing, massaging
  - f) staring, leering, ogling
  - g) smutty jokes & comments
  - h) persistent or intrusive questions about a person's private life
  - i) repeated invitations to go out, especially after prior refusals
  - j) use of promises or threats to coerce someone into sexual activity
  - k) display of sexually explicit material eg internet use, computer screen savers, calendars, posters

- l) getting undressed in front of others of the opposite sex or differing sexual orientation
  - m) invading the privacy of others while showering or toileting
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  - c) showing serious contempt for a person or group by public act
  - d) inciting severe ridicule of a person or group by public act

## **PART C - ATTACHMENTS**

### **C - Basketball Queensland: Codes of Conduct**

To ensure the communication, promotion, and enforcement of our codes of conduct, particularly for roles associated with basketball in Queensland, including employees, members and other participants.

#### Role Specific Codes of Behaviour

- C1 General Code of Behaviour
- C2 Administrators Code of Behaviour
- C3 Coaches Code of Behaviour
- C4 Players Code of Behaviour
- C5 Officials Code of Behaviour
- C6 Parents Code of Behaviour
- C7 Spectators Code of Behaviour



### **General Code of Behaviour**

- Respect the rights, dignity and worth of others.
- Be fair, considerate and honest in all dealing with others.
- Be professional in, and accept responsibility for, your actions.
- Make a commitment to providing quality service.
- Be aware of, and maintain an uncompromising adherence to, Basketball Queensland's standards, rules, regulations and policies.
- Operate within the rules of the sport including national and international guidelines which govern Basketball Queensland, the member associations and the affiliated clubs.
- Do not use your involvement with Basketball Queensland, a member association or an affiliated club to promote your own beliefs, behaviours or practices where these are inconsistent with those of Basketball Queensland, a member association or an affiliated club.
- Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
- Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
- Refrain from any form of harassment of others.
- Refrain from any behaviour that may bring the sport of basketball, Basketball Queensland, a member association or an affiliated club into disrepute.
- Provide a safe environment for the conduct of the basketball activities.
- Show concern and caution towards others who may be sick or injured.
- Be a positive role model.
- Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.



### **Administrators Code of Behaviour**

- Involve young people in planning, leadership, evaluation and decision making related to the activity.
- Give all young people equal opportunities to participate.
- Create pathways for young people to participate in sport not just as a player but as a coach, referee, administrator etc.
- Ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of young players.
- Provide quality supervision and instruction for junior players.
- Remember that young people participate for their enjoyment and benefit. Do not overemphasise 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 junior sport emphasises fair play, and not winning at all costs.
- Give a code of behaviour sheet to spectators, officials, parents, coaches, players and the media, and encourage them to follow it.
- Remember, you set an example. Your behaviour and comments should be positive and supportive.
- Support implementation of the National Junior Sport Policy.
- Make it clear that abusing young people in any way is unacceptable and will result in disciplinary action.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion





### **Coaches Code of Behaviour**

- Remember that young people participate for pleasure and winning is only part of the fun.
- Never ridicule or yell at a young player for making a mistake or not coming first.
- Be reasonable in your demands on players' time, energy and enthusiasm.
- Operate within the rules and spirit of your sport and teach your players to do the same.
- Ensure that the time players spend with you is a positive experience. All young people are deserving of equal attention and opportunities.
- Avoid overplaying the talented players; the just-average need and deserve equal time.
- Ensure that equipment and facilities meet safety standards and are appropriate to the age and ability of all players.
- Display control, respect and professionalism to all involved with the sport. This includes opponents, coaches, officials, administrators, the media, parents and spectators. Encourage your players to do the same.
- Show concern and caution toward sick and injured players. Follow the advice of a physician when determining whether an injured player 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 player's skill development.
- Respect the rights, dignity and worth of every young person



### Players Code of Behaviour

- Play by the rules
- Never argue with an official. If you disagree, have your captain, coach or manager approach the official during a break or after the competition.
- Control your temper. Verbal abuse of officials and sledging other players, deliberately distracting or provoking an opponent are not acceptable or permitted behaviours in any sport.
- Work equally hard for yourself and/or your team. Your team's performance will benefit, so will you.
- Be a good sport. Applaud all good plays whether they are made by your team or the opposition.
- Treat all participants in your sport as you like to be treated. Do not bully or take unfair advantage of another competitor.
- 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 parents and coaches.
- Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.



### Officials Code of Behaviour

- Modify 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 game rather than the errors.
- Encourage and promote rule changes which 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.
- 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.



### **Parents Code of Behaviour**

- Remember that children participate in sport for their enjoyment, not yours.
- Encourage children to participate, do not force them.
- Focus on the child's efforts and performance rather than winning or losing.
- Encourage children always to play according to the rules and to settle disagreements without resorting to hostility or violence.
- Never ridicule or yell at a child for making a mistake or losing a competition.
- Remember that children learn best by example. Appreciate good performances and skilful plays by all participants.
- Support all efforts to remove verbal and physical abuse from sporting activities.
- Respect officials' decisions and teach children to do likewise.
- Show appreciation for volunteer coaches, officials and administrators. Without them, your child could not participate.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.



### **Spectator's Code of Behaviour**

- Remember that children play sport for their enjoyment, not yours.
- Applaud good performance and efforts from each team.
- Congratulate all participants upon their performance regardless of the games outcome.
- Respect officials' decisions and teach children to do the same.
- Never ridicule or scold a child for making a mistake. Positive comments are motivational.
- Condemn the use of violence in any form be it by spectators, coaches, officials or players.
- Encourage players to follow the rules and the officials decisions.
- Do not use foul language or harass players, coaches or officials

## **PART D - ATTACHMENTS**

### **D1 - Basketball Queensland: Recruitment, Training & Management Obligations**

As part of Basketball Queensland's commitment to protecting the safety and welfare of children and young people involved in basketball activities, Basketball Queensland requires the following measures to be met.

- Provide opportunities for juniors to contribute to and provide feedback on program development
- Provide education and/or information on child abuse and child protection to those involved in basketball, such as coaches, juniors, parents and officials
- Where applicable, meet the requirements outlined in
  - Child Protection legislation
  - Basketball Australia Member Protection By-Laws
  - Basketball Queensland Child Protection Policy
  - Basketball Queensland Child Protection Management Strategy

#### **Basketball Queensland Recruitment Obligations**

1. Identify positions (paid & voluntary) that involve working with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration (MPD)* for all people who are bound by this policy if they occupy or apply for a position that involves working with people under 18 years of age. The MPD will be kept in a secure place.

If a MPD is not provided, or it reveals that a person does not satisfactorily meet one or more of the clauses of the MPD (eg has a relevant criminal conviction), Basketball Queensland will:

- Provide an opportunity for the person to respond/provide an explanation; and
- Make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under 18 years of age.

If a person does not satisfactorily meet all clauses of the MPD, then Basketball Queensland will:

- In the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly with people under 18 years of age. If this is not possible, then seek legal advice before beginning the process to terminate the appointment
- In the case of a person applying for a position/role, not appoint them

3. Check a person's referees (verbal & written) and interview a person about his/her suitability for the role and his/her suitability for working with children for both paid and voluntary positions.
4. Ask people applying for a position/role, that involves regular contact with people under 18 years of age, to comply with Qld legislative Screening requirements.
5. Apply for a Blue Card on behalf of paid employees and volunteers where the nature of their work falls under any of the categories regulated by the Act. Basketball Queensland must also sight the applicant's identification documents specified on the application form.
6. Ensure that all volunteers (unless exempt) hold a valid Blue Card before they start volunteering, regardless of how often they come into contact with people under 18 years of age. Paid employees can begin or continue employment while waiting for the outcome of their Blue Card application.

7. Request a Working With Children Check, from Commission for Children and Young People, for any person applying for a paid employment/volunteer position within the organization AND for any person/organisation carrying on a regulated business.

If a negative notice is issued, the Basketball Queensland will:

- In the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly with people under 18 years of age. If this is not possible, then seek legal advice before beginning the process to terminate the appointment
- In the case of a person applying for a position/role, not appoint them.

If the person does not agree to the Check after explaining why it is a requirement, Basketball Queensland will:

- In the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly with people under 18 years of age. If this is not possible, then seek legal advice before beginning the process of terminating the appointment. In the case of a person applying for a position/role, not appoint them

8. Decide whether to offer the person the position or retain the person in the position, taking into account the result of the Working with Children Check and any other information that Basketball Queensland has available. Where it is not practical to complete the Check prior to employment commencing, Basketball Queensland will complete the Check as soon as possible. Basketball Queensland will advise the person that their ongoing employment is conditional on the satisfactory outcome of the Check.
9. Protect the privacy of any person who was checked and the confidentiality of any information obtained through the checking process. Information collected during screening (eg a completed MPD form, police reports and referee reports) will be returned to the relevant person if that person is not appointed to/ will not remain in the position, or otherwise be destroyed with the consent of the person concerned.

### **Basketball Queensland Management Obligations**

The Board of Basketball Queensland is responsible for taking all reasonable steps to ensure implementation, compliance and enforcement of the Basketball Member Protection By-Laws

1. Adopt & comply with Basketball Australia Member Protection By-Laws
2. Recognise and enforce any penalty imposed under the BA Member Protection By-Laws
3. Publish, distribute and promote the BA Member Protection By-Laws (and any amendments) to persons under the jurisdiction of that By-Law
4. Use any forms, contracts and clauses prescribed by Basketball Australia in order to give effect to the BA Member Protection By-Laws

5. Appoint at least one Member Protection Officer and one Mediator to fulfill the functions set out in the BA Member Protection By-Laws, and to publish the names and contact details of such persons
6. Appoint a Registrar to fulfill the functions set out in BA Member Protection By-Laws and publish and display the name of such person to all members
7. Establish a Member Protection Tribunal to fulfill the functions set out in the BA Member Protection By-Laws



## **D2 – Queensland Blue Card Requirements**

This information is subject to change at any time. Refer to the Queensland Commission for Children and Young People and Child Guardian's (Commission) website: [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au) or contact 1800 113611 if you have any queries about your obligations under their legislation. This information was updated on 1 December 2010 and is provided as a guide only.

In Queensland the *Commission for Children and Young People and Child Guardian Act 2000* requires people who work with children under 18 years of age in certain categories of employment regulated by the Act, and people carrying on certain categories of business regulated by the Act to hold a blue card, unless specifically exempt.

When a person applies for a Blue Card, the Commission conducts a Working with Children Check which is an assessment of a person's eligibility to work with children based on their criminal history, certain disciplinary information (if any) and investigative information (if any) held by the police commissioner. If a person is eligible for a Blue Card, the Commission issues a positive notice letter and a Blue Card which remains current for a period of 3 years (for cards issued after 1 April 2010).

### **Association/club requirements**

Basketball Queensland and all affiliated Associations & Clubs are responsible for applying for a Blue Card on behalf of their paid employees and volunteers where the nature of their work falls under one of the categories regulated by the Act.

It is compulsory for employers/organisations to notify the Commission if they employ someone who already holds a blue card or exemption card. This is done using the "Authorisation to Confirm Form" available on the Commission's website. This process means the Commission has current employment details for all blue card/exemption card holders and makes sure employers are notified if a blue card/exemption card is suspended or cancelled.

For short-term (less than one month), one-off employees, employers/organisations have the option of performing an on-line validation. Under this process, employers/organisations will NOT receive notification from the Commission if a blue card/exemption card is suspended or cancelled.

Interstate sporting organisations, associations and clubs visiting Queensland for sporting training camps, competition or other activities taking place in Queensland may also need to apply for a Blue Card if the nature of their activities falls under one of the categories in the Act.

People carrying on a regulated business are responsible for applying for a Blue Card if the activities of the business are regulated under one of the categories in the Act.

### **Relevant categories of employment (both paid & volunteer) regulated by the Act**

*Note: Only those categories of employment relevant to the sport and recreation industry have been listed below.*

All volunteers and paid employees who work in one of the following categories of employment will need to apply for a Blue Card (unless exempt under the relevant category):

- schools - employees other than teachers and parents
- private teaching, coaching or tutoring
- sport and active recreation
- clubs and associations involving children
- child accommodation services (which incorporates billets).

From 1 July 2010, registered teachers and police officers will no longer apply for a blue card for regulated activities outside their professional duties and should instead apply to the Commission for an exemption card.

### **Paid employees**

All paid employees falling under one of the above-listed categories of employment regulated by the Act need a "P" Blue Card, if they work or are likely to work over a period of 12 months for at least:

- eight consecutive days, or
- once a week, each week, over four weeks, or
- once a fortnight, each fortnight, over eight weeks, or
- once a month, each month over six months.

Once a "P" Blue Card application has been lodged, a paid employee can commence or continue to work in regulated employment while waiting for the outcome of their Blue Card application.

Volunteer blue card holders moving into paid work with children must transfer their blue card to a "P" Blue Card and pay the relevant application fee.

### **Volunteers**

Volunteers working with children falling under one of the above-listed categories of employment regulated by the Act need a "V" Blue Card, unless exempt, if they work or are likely to work over a period of 12 months for at least:

- once a week, each week, over four weeks, or
- once a fortnight, each fortnight, over eight weeks, or
- once a month, each month, over six months

All volunteers who are required to undergo the Working with Children Check must obtain a valid Blue Card **before** they can commence the child related activity, regardless of how often they come into contact with children and young people.

From 1 July 2010, registered teachers and police officers will no longer apply for a "V" blue card for regulated activities outside their professional duties and should instead apply to the Commission for an exemption card.

### **Exemptions for Volunteers & Paid Employees**

The following people are exempt from the Working with Children Check and do not need a Blue Card:

- children under 18 who are volunteers (except trainee students required to work in regulated employment as part of their studies)
- a volunteer guest of a school or a registered charity, corporation or incorporated association:
  - for the purpose of observing, supplying information or entertainment to 10 or more people, and
  - the activity is for 10 days or less on no more than two occasions per year, and
  - the person is unlikely to be physically present with a child without another adult being present, or
- from 1 July 2010, registered teachers and police officers will no longer need a blue card for regulated activities outside their professional duties, if they have an exemption card

- an event volunteer performing the function of employment at a national or state event organised by a school or a registered charity, corporation or incorporated association (operating at a state or national level) for:
  - a sporting, cultural or skill based activity, and
  - the event is attended by more than 100 people, and
  - the work is for 10 days or less on no more than two occasions per year; and
  - the person is unlikely to be physically present with a child without another adult being present.

In addition, the following specific exemptions apply under each category regulated by the Act. It is critical to note that the exemptions below apply to the specific categories of regulated employment and business as stated, and therefore are not transferable

1. Schools - employees other than teachers and parents
  - a volunteer parent of a child attending the school.
2. Private teaching, coaching or tutoring
  - a person carrying out work in their capacity as an employee of an 'education provider' .
3. Sport and active recreation
  - the employment takes place at an 'amusement park'; or
  - the person provides the service or conducts the activity in their capacity as an employee of a 'government entity'; or
  - a volunteer parent of a child to whom the services are provided; or
  - a volunteer parent of a child in relation to whom the activities are conducted
  - the services are provided, or the activities are conducted by or within a club or association or similar entity and are regulated under that category (See Item 4: Clubs and associations involving children)).
4. Clubs and associations involving children
  - the person carries out the work in their capacity as an employee of a 'government entity'; or
  - or
  - a volunteer parent of a child who receives the same or similar services to which the employment relates; or
  - a volunteer parent of a child who participates in the same or similar activities to which the employment relates..
5. Child accommodation services (including billets)
  - the 'child accommodation service' is being provided to a relative of the home stay provider;
  - the work is carried out for a 'government service provider' that carries on a business which includes arranging a 'child accommodation service'; or
  - the employment is organised by a school or a a registered charity, corporation or incorporated association and is for 10 days or less and provided on no more than two occasions per year.

#### **Relevant categories of Business regulated by the Act**

*Note: Only those categories of business relevant to sport and recreation industry have been listed below.*

A person or a corporation carrying on the following regulated businesses in Queensland must also apply, directly to the Commission, for a Blue Card:

- private teaching, coaching or tutoring
- child accommodation services including homestays (including billets)
- sport and active recreation (which may include recreational activities such as sporting camps and programs (excluding amusement parks))

### **Exemptions for Regulated Businesses**

1. Private teaching, coaching or tutoring
  - If the business is conducted by an education provider
2. Child accommodation services including homestays (including billets)
  - If the business is conducted at a:
    - boarding facility; or
    - residential facility funded by the Commonwealth government, or the Department of Child Safety, Disabilities Services Queensland, Department of Communities, Queensland Health; or licensed by the Child Protection Act; or
    - or another place mainly providing accommodation for children which is funded by the Commonwealth government or Education Queensland.
3. Sport and active recreation
  - If the business takes place at an amusement park; or
  - The activities are conducted by or within a club, association or similar entity and are regulated under that category (See Item 4).

Where the business is a corporation, **each person** whose principal place of residence is in Australia, who takes part in the management of the corporation needs a Blue Card.

A person carrying on a regulated business must hold a Blue Card **before** they commence the regulated activity, regardless of how often they come into contact with children and young people.

### **Application forms**

Blue card application forms for a paid employee, volunteer, or person carrying on a regulated business can be downloaded from [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au). Volunteer applications are processed free of charge. There is a processing fee for paid employees and regulated business applications, as determined by the Commission.

Blue Card exemption application forms for school teachers and police officers can be downloaded from [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au). Exemption applications are processed free of charge.

Transfer application forms for persons transferring from volunteer employment to paid employment status can be downloaded from [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au). Transfer applications incur a processing fee as determined by the Commission.

### **Penalties**

Penalties apply to volunteers who are engaged in child-related work without a Blue Card.

Penalties apply to paid employees who apply for, start or continue in, regulated employment if they hold a current negative notice or if they have withdrawn their consent to employment screening.

Penalties apply to employers who employ a volunteer who does not have a current positive notice and "V" Blue Card.

Penalties apply to employers who employ or continue to employ paid or prospective paid employees without a current "P" Blue Card, if the employer does not ensure that the employee has applied for a Blue Card.

Penalties apply to employers who employ paid employees who have withdrawn their consent to screening, or where employers have been given notice that an employee has been charged with an excluding offence or where employers are aware that a negative notice has been issued to an employee and is current.

Penalties apply to persons or corporations carrying on regulated businesses without a current positive notice and Blue Card.

Penalties apply to an employer who employs people in regulated employment without a [risk management strategy](#), as required by the Act.

Penalties apply if - prior to an employee signing a blue card application - an employer neglects to warn the employee that it is an offence for a disqualified person to sign a blue card application.

### **Change in criminal history**

A person's criminal history changes if they are charged or convicted of a criminal offence, whether or not a conviction is recorded.

If a person has a change in their criminal history they must immediately notify their existing or prospective employer, volunteer organisation or education provider of the change.

The employer, volunteer organisation or education provider must not continue to employ the person without applying for a new Working with Children Check. Failure to do so is an offence.

If a person carrying on a regulated business has a change to their criminal history, they must immediately notify the Commission.

This requirement also applies to interstate persons and regulated businesses that visit Queensland and apply to the Commission for a Working with Children Check.

### **Risk management**

Amendments to the Act, effective January 2005, require organisations engaging paid employees or volunteers that need a Blue Card, and persons or organisations carrying on a business for which a Blue Card is required, to develop and implement annually, a risk management strategy to promote the well-being of children in their care and protect them from harm.

- The key elements an organisation needs to consider in creating a risk management strategy includes: a child protection policy, which outlines:
  - a Code of Conduct
  - recruitment, training and management procedures for staff
  - reporting guidelines and directions for handling disclosures or suspicions of harm, and
  - consequences to staff for non-compliance with the policy
- communication and support strategies, such as:
  - information sheets for staff, volunteers and parents about policies, procedures and Codes of Conduct, and
  - training materials and communication strategies which help staff, volunteers and parents identify risks of harm
- documentation of risk management processes including:
  - registers of staff
  - strategies and plans for high-risk and special events
  - complaints registers, and
  - forms to ensure consistent handling of incidents, disclosures of harm, permissions and approvals for related activities.



### Basketball Queensland MEMBER PROTECTION DECLARATION

I, ..... **(name)** of .....  
Postcode ..... **(address)** born ...../...../19..... solemnly and sincerely declare that:

1. I wish to be employed as/undertake the following (cross out whichever is not applicable) –
  - a) Staff member/Board member at BQ Head Office
  - b) Coach / Manager to the 20..... Under ..... State Team/U15 Development Team.
  - c) Referee Manager/Referee Commissioner/Referee Evaluator at the 20..... State Championships
  - d) Coach/Manager/Contractor/Consultant to the NITC/Blue Chip Program
  - e) Contractor/Consultant to the Referee/Coach Development Program
  - f) Other.....
2. I have never been charged with any criminal offence relating to narcotics, violence or abuse including sexual abuse.
3. No person has ever sought or obtained any intervention order, injunction or other restraining order against me alleging dishonesty, verbal or physical abuse (including sexual abuse).
4. I am not currently the subject of any sanction issued by a basketball association against me which prohibits me from holding a position of the type set out in clause 1 above.
5. No application submitted on my behalf has been rejected for, nor have I been suspended or dismissed from, a position in sport, volunteer organisation, business, educational or other Government or semi-government organisation where that rejection, suspension or dismissal relates to my conduct with persons aged under eighteen (18) years of age or to violence, drug use or to dishonesty.
6. There are no other matters, which a reasonable person would consider relevant to the fitness of a person to hold the above-listed position involving frequent contact with persons aged under eighteen.
7. I also agree to uphold the acceptable standards of behaviour and conduct whilst acting in my role and are fully aware and accept that should any of these standards listed in the code of conduct be breached I will be dismissed from my role within this program/organisation and acknowledge that I will also be excluded from all future Basketball Queensland programs, events and all matters related to the sport in Queensland at all levels.
8. I will notify the President or CEO of the organisations appointing me to my position immediately upon becoming aware that any of the matters set out in clauses 2 to 6 above has changed for whatever reason.
9. I make this declaration that the information contained in it is true and correct and I make it understanding that a person making a false declaration is liable to the penalties of perjury.

Declared at ....., in the State of Queensland the .....day of..... 20.....

..... (signature)



## Coach's Code of Ethics Agreement Form

I, \_\_\_\_\_ of \_\_\_\_\_  
Full Name Address

\_\_\_\_\_ Post Code \_\_\_\_\_  
Address cont.

am seeking appointment to the position of coach / assistant coach for the Basketball Queensland Under \_\_\_\_\_ State Team/Development Team.

***I agree to the following terms:***

1. I agree to abide by the Coach's Code of Ethics overleaf
2. I acknowledge that Basketball Queensland may take disciplinary action against me, if I breach the code of ethics. (I understand that Basketball Queensland are required to implement a complaints handling procedure in accordance with the principles of natural justice, in the event of an allegation against me)
3. I acknowledge that disciplinary action against me may include de-registration from the National Coaching Accreditation Scheme & all other Basketball Queensland Programs.

Please refer to the *Harassment-free Sport Guidelines* available from the Australian Sports Commission or contact your Basketball Queensland, if you require more information on harassment issues.

\_\_\_\_\_  
Signature (if Under 18 Parent/Guardian) Date  
Signature



## Manager's Code of Ethics Agreement Form

I, \_\_\_\_\_ of \_\_\_\_\_  
Full Name Address

\_\_\_\_\_ Post Code \_\_\_\_\_  
Address cont.

am seeking appointment to the position of manager for the Basketball Queensland Under \_\_\_\_\_ State Team/Development Team.

***I agree to the following terms:***

4. I agree to abide by the Manager's Code of Ethics overleaf
5. I acknowledge that Basketball Queensland may take disciplinary action against me, if I breach the code of ethics. (I understand that Basketball Queensland are required to implement a complaints handling procedure in accordance with the principles of natural justice, in the event of an allegation against me)
6. I acknowledge that disciplinary action against me may include de-registration from all other Basketball Queensland Programs.

Please refer to the *Harassment-free Sport Guidelines* available from the Australian Sports Commission or contact your Basketball Queensland, if you require more information on harassment issues.

\_\_\_\_\_  
Signature (if Under 18 Parent/Guardian) Date  
Signature



#### **D5 - Basketball Queensland: Establishment of Member Protection Tribunal**

1. Mandatory for Basketball Queensland and League Associations (if applicable) to each establish a Member Protection Tribunal
2. Purpose of Tribunal:
  - a) decide on the insertion of a person's name onto the Prohibited Persons Register
  - b) decide on the removal of a person's name from the Prohibited Persons Register
  - c) hear and determine complaints and allegations of discrimination, harassment or vilification referred to it in accordance with the Basketball Australia Member protection By-Laws
3. A Registrar shall be appointed to each Member Protection Tribunal – preferably a barrister or solicitor or a person with considerable previous experience in the legal aspects of a disciplinary/hearings tribunal.
4. A hearing of the Member Protection Tribunal shall be conducted by 3 persons appointed from a panel of tribunal members established by Basketball Queensland or its Affiliated League Associations (if applicable) subject to the provisions of Basketball Australia Member Protection By-Laws.
5. Any inconsistency between the hearing procedure set out in the Constitutions of Basketball Australia or Basketball Queensland or its Affiliated League Associations and the hearing procedure set out in the Basketball Australia Member Protection By-Laws, the latter shall prevail in relation to all matters under the Basketball Member Protection By-Laws.

## **D6 - Basketball Queensland: Responsibilities of Member Protection Officer**

A Member Protection Officer (MPO), formerly known as a harassment contact officer, is the first point of call in a club or sporting organisation for any enquiries, concerns or complaints about harassment and abuse. The Officer provides confidential information and moral support to the person with the concern or who is alleging harassment. The Officer is integral to the successful implementation of Basketball Queensland's Member Protection Policy.

Member Protection Officers do not investigate or resolve conflicts or try to bring the complainant and the person complained about together. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The Officer may accompany the complainant in anything they decide to do, if it seems appropriate and they are happy to do it. In summary, the Member Protection Officer role involves:

- listening
- providing support (but not taking over)
- providing information and options about what a person might do (but not advice)
- supporting the complainant in taking the matter further if that is what the complainant wants and the officer feels able to do it
- keeping up-to-date with information on harassment, discrimination and other forms of inappropriate behaviour
- understanding their sport's policies and procedures in relation to harassment and discrimination
- being accessible, approachable and able to maintain confidentiality
- operating regionally as an Member Protection Officer by being available to other sports in the region.

To become a Member Protection Officer, a person is nominated by their sport and completes an Australian Sports Commission approved two-day course where they are assessed as to their competency to undertake the role. Courses are conducted in every state and territory. For more information about the training and education of MPO's, check out [www.ausport.gov.au](http://www.ausport.gov.au).

If a Club/Association requires the services of a Member Protection Officer, contact Basketball Queensland.

If a person has a concern or complaint and is not sure who to contact, initial contact point should be the Club/Association president.

## **PART E - ATTACHMENTS**

### **E - Basketball Queensland: Complaint Handling Procedures**

To ensure due process and consistency are followed in handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures.

- E1 Complaints Procedure
- E2 Mediation Procedure
- E3 Investigation Process
- E4 Investigation Process – Child Abuse
- E5 Hearings & Appeals Tribunal Procedure
- E6 Disciplinary Measures



## **Child Protection Policy - E1: Complaints & Breach 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, Basketball Queensland provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organisations 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 CEO or Complaints Manager of Basketball Queensland considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the BQ Hearings tribunal for appropriate action. 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.

### **Step 1**

As a first step you (the complainant) should try to sort out the problem with the person or people involved if you feel able to do so.

### **Step 2**

If:

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

talk with Basketball Queensland's CEO or Complaints Manager or one of Basketball Queensland's Member Protection Officers (MPOs). A list of MPOs can be found on the BQ website.

The CEO or Complaints Manager or MPO will:

- take notes about your complaint (which the MPO will keep in a secure and confidential place);
- try to sort 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;
- explain how our complaints procedure works;
- act as a support person if you so wish;
- refer you to an appropriate person to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

### **Step 3**

After talking with the CEO or Complaints Manager or MPO, you may decide:

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

If you wish to remain anonymous, Basketball Queensland 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 Basketball Queensland or you 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.

#### **Step 4**

If your complaint is not resolved to your satisfaction, you may:

- make a formal complaint in writing to Basketball Queensland's CEO, Complaints Manager or MPO; or
- approach a relevant external agency such as an Equal Opportunity Commission or Department of Sport and Recreation, for advice.

#### **Step 5**

If you decide to make a formal complaint in writing under Step 4, the CEO or Complaints Manager 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 Basketball Queensland. In these cases, the CEO or Complaints Manager may determine that the complaint does not warrant a formal resolution procedure;
- to appoint a person to investigate the complaint;
- to refer the complaint to an informal or formal mediation session;
- 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 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, the CEO or Complaints Manager will take into account:

- 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 and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and

the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);

- 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 and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted.

If the CEO or Complaints Manager is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- 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 whether 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 Attachment E6, 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 6

If:

- a person is appointed to investigate the complaint under **Step 5**, the investigator will conduct the investigation and provide a written report to the CEO or Complaints Manager or Hearings Tribunal who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with Attachment E6, and referring the complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority;
- the complaint is referred to an informal or a formal mediation session under **Step 5**, the mediation session will be conducted in accordance with Attachment E2 or as otherwise agreed by you and the respondent;
- the complaint is referred to a hearings tribunal under **Step 5**, the hearing will be conducted in accordance with Attachment E5;
- the complaint is referred to the police or other appropriate authority under **Step 5**, Basketball Queensland will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- interim administrative or other arrangements are implemented under **Step 5**, Basketball Queensland will periodically review these arrangements to ensure that they are effective.

*[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 [insert organisation and/or individual] unless otherwise stated in the relevant Attachment.]*

## Step 7

If, under **Step 6**, an informal or formal mediation session is conducted, and you and the respondent(s) can not reach a mutually acceptable mediated solution to the complaint, you may request that the CEO or Complaints Manager reconsider the complaint in accordance with **Step 5**.

You or the respondent(s) may be entitled to appeal where:

- under **Step 5**, a decision was made by the CEO or Complaints Manager:
  - not to take any action; or
  - to take disciplinary action; or
  
- under **Step 6**, a decision was made by the CEO, Complaints Manager or hearings tribunal:
  - not to take any action; or
  - to take disciplinary action.

The grounds for appeal and the process for appeals under this Policy are set out in Attachment E5.

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within Basketball Queensland, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

### **Step 8**

The CEO or Complaints Manager will document the complaint, the process followed 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 procedure**

There may be a range of external options available to you 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 equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made as to whether unlawful harassment or discrimination occurred. 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.

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

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





## Child Protection Policy - E2: Mediation Procedure

Mediation is a process by which people who are in conflict can be helped to communicate with each other about what is important for them and how to make decisions about resolving their dispute. Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.

This attachment outlines the general procedure of mediation that will be followed by Basketball Queensland.

1. The people involved in a formal complaint (complainant and respondent(s)) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of the complaint.
2. Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:
  - a. After the complainant and respondent have had their chance to tell their version of events to the CEO, MPO or Complaints Manager on their own; *and*
  - b. The CEO, MPO or Complaints Manager does not believe that any of the allegations warrant any form of disciplinary action - proven serious allegations will not be mediated, no matter what the complainant desires; *and*
  - c. Mediation looks like it will work (i.e. the versions given by the complainant and respondent tally or almost tally and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).
3. Mediation will **not** be recommended if:
  - a. The respondent has a completely different version of the events and they won't deviate from these;
  - b. The complainant or respondent are unwilling to attempt mediation; or
  - c. Due to the nature of the complaint, the relationship between you and the respondent(s) and any other relevant factors, the complaint is not suitable for mediation.
4. If mediation is chosen to try and resolve the complaint, the MPO or other designated person will, under the direction of the Basketball Queensland and in consultation with the complainant and the respondent(s), arrange for a mediator to mediate the complaint.
5. The MPO or other designated person will notify the respondent(s) that a formal complaint has been made, provide them with details of the complaint and notify them Basketball Queensland has decided to refer the matter to mediation to resolve the complaint.
6. 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.
7. 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.

8. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.
9. If the formal complaint is not resolved by mediation, the complainant may:
  - a. Write to the CEO/designated person to request that the CEO/designated person reconsider the complaint in accordance with **Step 5**; *or*
  - b. Approach an external agency such as an anti-discrimination commission.



### **Child protection Policy - E3: Investigation Process**

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If an investigation needs to be conducted the following steps are to be followed:

1. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
2. The complainant will be interviewed and the complaint documented in writing.
3. The details of the complaint will be conveyed to the person/people complained about (respondent(s)) in full. The respondent(s) must be given sufficient information to enable them to properly respond to the complaint.
4. The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
5. If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
6. The investigator will 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.
7. A report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations, will be given to the CEO or Complaints Manager or Hearing Tribunal.
8. A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).
9. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser (e.g. MPO or other person).
10. 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 E5.

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



## **Child Protection Policy - E4: Investigation Procedure – Child Abuse**

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An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

The following is a basic outline of the key processes to follow. More information can be obtained from your relevant State or Territory government agency.

### **Step 1 - Clarify basic details of the allegation**

- Any complaints, concerns or allegations of child abuse should be made or referred, in the first instance, to Basketball Queensland's CEO or one of its MPO's, or to Basketball Australia's CEO.
- If there is an immediate risk of harm to a child, the incident should immediately be reported to the police or the Child Protection Agency
- The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:
  - Listen to, be supportive and do not dispute what the child says;
  - Reassure the child that what has occurred is not the fault of the child;
  - Ensure the child is safe;
  - Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
  - Ensure that what the child says is quite clear but do not elicit detailed information about the abuse. You should avoid suggestive or leading questions.
  - Inform the child that you may need to write notes
- The person receiving the complaint should obtain and clarify basic details (if possible) such as:
  - Child's name, age and address;
  - Person's reason for suspecting abuse (observation, injury or other); and
  - Names and contact details of all people involved, including witnesses.

### **Step 2 – Report allegations of a serious or criminal nature**

- Some inappropriate sexual behaviours constitute sexual assault or child abuse and are criminal offences.
- Any individual or organisation to which this policy applies, **should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority (Child Protection Agency or Sexual Assault Support Services).**
- If the allegation involves a child at risk of harm, or suspicion of a child at risk of harm, the incident should immediately be reported to the police or other appropriate government agency. You may need to report to both the police and the relevant government agency.
- The relevant State authority – the Police or the Child Safety Department - should be contacted for advice if there is **any** doubt about whether the complaint should be reported.

- If the child's parent/s are suspected of committing the abuse, immediately report the allegation to the relevant government agency (Child Safety Department or Department of Communities).
- Basketball Queensland will not carry out its own internal investigation of allegations/suspicions of a serious or criminal nature (on the recommendation of the CCYPCG) until advised by police that the harm to the child is not of a serious or criminal nature

### **Step 3 – Protect the child**

- The CEO or Complaints Manager should assess the risks and take interim action to ensure the child's/children's safety. Some options that Basketball Queensland could implement include 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 MPO's role to actually undertake action such as redeploying someone – an MPIO should only recommend possible actions].*
- The CEO or Complaints Manager should also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

### **Step 4 – Further clarify and investigate breaches not of a serious or criminal nature**

- 
- Follow the complaints & breach procedure as per Attachment E1
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

### **Step 5 – Record and analyse all information**

- If an internal investigation was conducted under **Step 4**, the investigator will provide a report to the CEO, Complaints Manager or Hearing tribunal.
- The decision-maker(s) will be Basketball Queensland's CEO or Complaints Manager or Hearings Tribunal or the CEO of Basketball Australia and will remain separate and at arm's length from the investigator.
- The CEO, Complaints Manager or Hearing Tribunal will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

### **Step 6 – Undertake disciplinary action**

- For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- If disciplinary action is to be taken, follow the procedures outlined in Attachment E6 of the policy.
- Implement any disciplinary decision recommended by the CEO, Complaints Manager or Hearing tribunal. The action should be immediate.
- Check with the relevant state government authority to see if you need to forward a report (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).
- *[Complete the relevant] report forms in Part F of this policy. Retain the original in a secure place and forward a copy to the CEO of Basketball Australia.]*



## **Child Protection Policy - E.5: Hearings & Appeals Tribunal Procedure**

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The following Tribunal Hearing Procedure will be followed by hearings tribunals established by Basketball Queensland.

### **Tribunal Formation and Notification**

1. A Tribunal Panel will be constituted following the rules outlined in Basketball Queensland's Constitution and Basketball Australia Member Protection By-Laws, to hear a complaint that has been referred to it by the CEO or Complaints Manager.
2. The CEO or Complaints Manager will organise for a Tribunal to be convened by notifying selected Tribunal Panel members that they are required to hear a complaint. The Tribunal Panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the CEO or Complaints Manager relating to the complaint/allegations.
3. The Tribunal Hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare to respond to the complaint.
4. The number of Tribunal Panel members required to be present throughout the Tribunal Hearing Process will be a minimum of three (3) as outlined in the Basketball Australia Member Protection By-Laws and in Basketball Queensland's Constitution.
  - 4.1 The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.
  - 4.2 The Tribunal Panel will comprise at least one person who has knowledge, and preferably experience, of any relevant laws relating to the complaint (e.g. anti-harassment).
  - 4.3 If a member of the Tribunal Panel cannot continue once the Tribunal Hearing has commenced, and the minimum number required for the Tribunal Hearing is still maintained, the discontinuing member will not be replaced.
  - 4.4 If the specific or minimum number is not maintained, the discontinuing member may be replaced if it is considered appropriate by the Tribunal Chairperson. Factors to consider should include the circumstances of the complaint and the ability of the new Tribunal Panel member to be reasonably and impartially informed of the hearing evidence up until the time of their appointment. If the Tribunal Chairperson believes it is not appropriate for a new Tribunal Panel member to be appointed then the Tribunal will be rescheduled to a later date. The Tribunal Chairperson will inform the CEO or Complaints Manager of the need to reschedule, and the CEO or Complaints Manager will organise for the Tribunal Hearing, with a new Tribunal Panel to be reconvened.
5. The CEO or a Complaints Manager will inform the respondent(s) by written notification that a tribunal hearing will take place. The written notification will outline:
  - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;

- Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
- 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;
- 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 considered a minor, they should have a parent or guardian present.]*

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

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

6. The CEO or Complaints Manager will inform the person making the complaint (complainant) by written notification that a tribunal hearing will take place. The written notification 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 they are accused of breaching (if there is more than one complaint these should be set out separately);
  - 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; and
  - That legal representation will not be allowed. *[If complainant is considered a minor, they should have a parent or guardian present.]*

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

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

### **Tribunal Hearing Procedure**

8. The following people will be allowed to attend the Tribunal Hearing:
  - The Tribunal Panel 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.

9. The Tribunal Chairperson will call the hearing to order at the designated time and determine if the respondent(s) is present.
10. If the respondent(s) is not present 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 carried out correctly.
11. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been carried out correctly, then the Tribunal Hearing will be rescheduled to a later date.
12. The Tribunal Chairperson will inform the CEO or Complaints Manager of the need to reschedule, and the CEO or a Complaints Manager will organise for the Tribunal Hearing to be reconvened.
13. The Tribunal Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
14. If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures. *[Ensure the Tribunal has the powers / authorisation to impose any disciplinary measures under your Constitution.]*
15. If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - Brief notes may be referred to.
  - The complainant will be allowed to call witnesses.
  - The respondent(s) may be allowed to question the complainant and their witnesses.
16. The respondent(s) will then be asked to respond to the complaint.
  - Brief notes may be referred to.
  - The respondent will be allowed to call witnesses.
  - The complainant may be allowed to ask questions of the respondent and their witnesses.
17. Both the complainant and respondent will be allowed to be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the Tribunal Hearing until required.
18. The Tribunal will be allowed to:
  - consider any evidence, and in any form, that it deems relevant.
  - question any person giving evidence.
  - limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them, but will not provide any new evidence.
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 allowed to be present, the Tribunal Chairperson shall have the power to stop any further involvement of the person in the Tribunal Hearing.



21. After all of the evidence has been presented the Tribunal Panel will make its decision in private. If the Tribunal believes the complaint has been substantiated on the balance of probabilities (i.e. more probable than not), the respondent will then be given an opportunity to address the Tribunal Panel and make a submission on any disciplinary measures that may be imposed. Only those disciplinary measures outlined in the Basketball Queensland's Constitution/Member Protection Policy or Basketball Australia's Member Protection Policy will be considered. Any disciplinary measure imposed must be reasonable in the circumstances.
22. All decisions made by the Tribunal will be based on a 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.
24. Within 48 hours, the Tribunal Chairperson will:
  - 24.1 Forward to the CEO or Complaints Manager a copy of the tribunal decision including any disciplinary measures imposed.
  - 24.2 Forward a letter to the respondent(s) reconfirming the Tribunal's decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal to be made.

#### **Appeals Procedure**

***[It is considered good and fair practice to provide a process to appeal against decisions or disciplinary actions imposed. The reasons allowable for an appeal need to be determined e.g. limited to such aspects as a denial of natural justice or an unfair / unreasonable penalty. The ability to, and process of, appealing a decision must be outlined in your Constitution.]***

25. A complainant or a respondent(s) who is not satisfied with a decision described in **Step 7** of the Complaints Procedures can lodge one appeal to Basketball Queensland on one or more of the following bases:
  - 25.1 That a denial of natural justice has occurred; or
  - 25.2 That the disciplinary measure(s) imposed is unjust and/or unreasonable.
  - 25.3 *[insert other reasons if you so choose]*
26. A person wanting to appeal in accordance with paragraph 25 must lodge a letter stating their intention and the basis for their appeal with the CEO or a Secretary within [X] days of the relevant decision. *[An appeal fee of \$[ ] shall be included with the letter of intention to appeal.]*
27. If the letter of appeal is not received by the CEO or a Secretary within the relevant time period the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal shall be deemed to be withdrawn.
28. Upon receipt of the letter of appeal, the CEO or a Secretary must convene a special meeting of the Basketball Queensland Executive Committee or Appeal Committee to review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed. The Basketball Queensland Executive Committee or Appeal Committee will be able to invite any witnesses to the meeting it believes are required to make an informed decision.
29. If it is considered that the letter of appeal has not shown sufficient grounds for appeal in accordance with paragraph 25, then the appeal will not proceed and the person will be notified of this decision and the reasons for this decision. *[The appeal fee will be forfeited.]*

30. If the appeal is considered to have sufficient grounds to proceed then a Tribunal with a new panel will be convened to rehear the complaint, *[and the appeal fee will be refunded]*. The Chairperson of Basketball Queensland Executive Committee or Appeal Committee shall follow the Tribunal Formation and Notification procedures outlined above.
31. The Tribunal Hearing Procedure shall be followed for the appeal.
32. The decision of the appeal Tribunal will be final.



## **Child Protection Policy - E6: Disciplinary Measures**

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Any disciplinary measure imposed by the Hearings tribunal and/or CEO under this policy must:

- Observe any contractual and employment rules and requirements;
- Conform to the principles of natural justice;
- Be fair and reasonable;
- Be based on the evidence and information presented;
- Be within the powers of the Hearings tribunal and/or CEO to impose the disciplinary measure.

### **Individual**

Subject to contractual and employment requirements, if a finding is made that an individual has breached Basketball Queensland's Child Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the Hearings tribunal:

1. A direction that the individual make a verbal and/or written apology;
2. A written warning;
3. A direction that the individual attend counselling to address their behaviour;
4. A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Basketball Queensland;
5. A demotion or transfer of the individual to another location, role or activity
6. A suspension of the individual's membership or participation or engagement in a role or activity;
7. Termination of the individual's membership, appointment or engagement;
8. Recommend that Basketball Queensland terminate the individual's membership, appointment or engagement;
9. In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
10. Any other form of discipline that the CEO or Hearings tribunal considers appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by that individual in the future may result in the imposition of a more serious form of discipline.

### **Organisations**

If a finding is made that a Basketball Queensland member or affiliated organisation has breached the Basketball Queensland Child Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the CEO or Hearings tribunal:

1. A written warning;
2. A monetary fine;
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;
4. A direction that any funding granted or given to it by the [national body or a peak association] cease from a specified date;

5. A direction that the [*national body and peak associations*] cease to sanction events held by or under the auspices of that organisation;
6. A recommendation to [*the national body and/or the association*] that its membership of the [*national body or peak association*] be suspended or terminated in accordance with the relevant constitution or rules; and/or
7. Any other form of discipline that the national body or peak organisation considers to be appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by the organisation in the future may result in more serious form of discipline.

If a finding is made that an affiliated organisation has breached the Basketball Queensland Child Protection Policy, the CEO of Basketball Queensland will advise that affiliated organisation to seek further training in risk management strategies and review its current policies and procedures.

#### **Factors to consider when imposing discipline**

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

- [If the individual is a parent and/or spectator (ability to enforce a penalty may be difficult);]
- Nature and seriousness of the behaviour or incidents;
- In a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- If the individual concerned knew or should have known that the behaviour was a breach of the policy;
- Level of contrition of the respondent(s);
- The effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action; and/or
- If there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

## PART F - ATTACHMENTS



### **Child Protection Policy - F: Reporting Documents/Forms (Complaints)**

To ensure due process and consistency are followed in the reporting of complaints, allegations, investigations, tribunals and disciplinary measures.

#### **F1 : The following principles are to be followed when completing a report of a complaint.**

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

#### **F2 – F9: Templates of Forms to be used:**

- F2 Confidential Record of Informal Complaint/Allegation
- F3 Confidential Record of Formal Complaint/Allegation
- F4 Confidential Record of Child Abuse Allegation
- F5 Record of Mediation
- F6 Record of Investigation
- F7 Record of Tribunal Decision
- F8 Child Protection Incident Report Form
- F9 Injury/Incident Report Form



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

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



**FORM F3 - CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

Complainant's Name	<p>.....</p> <p><input type="checkbox"/> Over 18                      <input type="checkbox"/> Under 18</p>	Date Formal Complaint Received:    /    /
Role/status in Basketball	<p><input type="checkbox"/> Administrator (volunteer)                      <input type="checkbox"/> Parent</p> <p><input type="checkbox"/> Athlete/player    <input type="checkbox"/> Spectator</p> <p><input type="checkbox"/> Coach/Assistant Coach                              <input type="checkbox"/> Support Personnel</p> <p><input type="checkbox"/> Employee (paid)    <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Official    .....</p>	
Name of person complained about	<p>.....</p> <p><input type="checkbox"/> Over 18    <input type="checkbox"/> Under 18</p>	
Role/status in Basketball	<p><input type="checkbox"/> Administrator (volunteer)                      <input type="checkbox"/> Parent</p> <p><input type="checkbox"/> Athlete/player    <input type="checkbox"/> Spectator</p> <p><input type="checkbox"/> Coach/Assistant Coach                              <input type="checkbox"/> Support Personnel</p> <p><input type="checkbox"/> Employee (paid)    <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Official    .....</p> <p>.....</p>	
Location/event of alleged issue		
Description of alleged issue		



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

<p>If mediated:  Date of mediation -  Were both parties present -  Terms of Agreement -    Any other action taken -</p>	
<p>If went to appeals tribunal:  Decision    Action recommended</p>	
<p>Resolution</p>	<p><input type="checkbox"/> Less than 3 months to resolve  <input type="checkbox"/> Between 3 – 8 months to resolve  <input type="checkbox"/> More than 8 months to resolve</p>
<p>Completed by</p>	<p>Name:.....    Position in Basketball  Queensland/Club/Association:.....    Signature: .....    Date:     /     /</p>
<p>Signed by:</p>	<p>Complainant:.....    Respondent:.....</p>

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



**FORM F4 - CONFIDENTIAL RECORD OF CHILD ABUSE**

**ALLEGATION**

Before completing, ensure the relevant procedures 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 Basketball		
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 Basketball	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other ..... .....
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:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name:..... Position in Basketball Queensland/Club/Association: ..... Signature: ..... Date: / /
Signed by	Complainant (if not a child).....

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



**FORM F5 - RECORD OF MEDIATION**

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

**Copy to be sent to :**.....

**Original to stored at .....**



**FORM F6 - RECORD OF INVESTIGATION**

Name of person in charge of investigation	
Date investigation commenced	
Date investigation was finalised	
Summary of investigation	
Outcome of investigation	
Follow-up to occur (if required)	
Completed by: (Name & Signature)	

**Copy to be sent to** :.....

**Original to stored at** .....





Methods (if any) of attempted informal resolution	
Support person (if any)	
Tribunal Members	
Tribunal Hearing Date and venue	
Tribunal Decision (attach report)	
Action recommended and any follow up report required	
Decision Appealed Date of Appeal lodged	
Appeal Hearing Date	
Appeal Decision (attach report)	
Action Recommended	
Completed by	Name:..... Position in Basketball Queensland/Club/Association:..... Signature: ..... Date:     /     /
Signed by:	Complainant.....  Respondent.....

**Original to be stored at .....**



CHILD PROTECTION INCIDENT REPORT FORM

This form is to be completed in consultation with Supervisor & person reporting incident within 12 hours of occurrence. ALL INFORMATION ON THIS DOCUMENT SHALL BE CONFIDENTIAL

Person Involved (or injured): \_\_\_\_\_

Contact phone \_\_\_\_\_ Address \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Reported to: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Employment Type:  Employee  Contractor  Visitor  Volunteer

Position: \_\_\_\_\_ Witness(s): \_\_\_\_\_

Contact phone \_\_\_\_\_ Address: \_\_\_\_\_

INCIDENT DETAILS (tick one)

- Physical Abuse, Sexual Harassment, Discrimination, Harassment, Intimate Relationship (Sexual Nature), Emotional Abuse, Intimate Relationship (Non-sexual Nature), Pornography, Vilification, Inappropriate Touching, Victimization, Neglect, Other

Exact location of incident: \_\_\_\_\_

Description of incident (attach separate sheet if required):

[Empty box for description of incident]

Outcome of incident (what consequences or damage):

[Empty box for outcome of incident]

Action taken to prevent re-occurrence (what, when, who):

[Empty box for action taken to prevent re-occurrence]

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_ (Supervisor) (Person Reporting/involved)



INJURY/INCIDENT REPORT FORM

This form is to be completed in consultation with Supervisor &/or person reporting injury/incident within 12 hours of occurrence. ALL INFORMATION ON THIS DOCUMENT SHALL BE CONFIDENTIAL

Person Involved (or injured): \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Reported to: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Employment Type:  Employee  Contractor  Visitor  Volunteer

Position: \_\_\_\_\_ Witness(s): \_\_\_\_\_

INCIDENT DETAILS (tick one)

- Injury  Theft  Medical Condition
 Fire  Property Damage  Lost/found item
 Lost/found person  Evacuation  Cleaning/Maintenance
 Unauthorized entry  Safety/hazard near miss  Other \_\_\_\_\_

Exact location of incident: \_\_\_\_\_

Description of injury/incident (attach separate sheet if required):

[Empty box for description of injury/incident]

Outcome of injury/incident (what injury or damage):

[Empty box for outcome of injury/incident]

Action taken to prevent re-occurrence (what, when, who):

[Empty box for action taken to prevent re-occurrence]

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_
(Supervisor) (Person Reporting/involved)

Date: \_\_\_\_\_ Date: \_\_\_\_\_

**PART H – AMENDMENTS TO POLICY**

<b><u>NAME</u></b>		<b><u>PAGE</u></b>	<b><u>DATE</u></b>
JT	Version 1	All	1/1/2007
J T	Update 1	All	30/3/2008
J T	Update 2	All	30/10/2010
JT	Update 3	Blue Card Requirements	12/3/2011