

# DALE EAGLING'S TAEKWONDO



## Member Protection Policy and associated documentation

**March 2005**

(Revised 1 June 2010)

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## **PREFACE**

Dale Eagling's Taekwondo (DETKD) is committed to providing a safe sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity. This policy has been developed to ensure that DETKD is a safe environment free of discrimination or harassment of any kind. DETKD will not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Policy.

DETKD is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities attended by or run by DETKD and service providers, and to assist members and service providers to recognise, report and prevent child abuse.

This Policy provides a code of conduct forming the basis of appropriate and ethical conduct which everyone must abide by, and is an essential part of DETKD's proactive and preventative approach to tackling inappropriate behaviour.

Our Policy will be reviewed every two years to ensure that we maintain our focus on the best possible standards.

Signature of Owner



Hugh Eagling  
Dale Eagling's Taekwondo

Date: 1 November 2009

## Part A: Member Protection Policy

### 1. Dale Eagling's Taekwondo core values

Our mission is to advance the sport of taekwondo by providing a safe, rewarding and enjoyable training environment that will allow our members to improve their self-confidence and discipline, and develop agility, strength and stamina while becoming skilled in self defence. *"Skills for Life"*

As a club we value open communication and consultation; mutual respect and fair treatment for all; and ourselves, our health, safety and development.

### 2. Purpose of this policy

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

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

This Policy and associated procedures have been endorsed by DETKD. The policy starts on 1 March 2005 and will operate until replaced. This Policy and/or its attachments may be amended from time to time by the Owner of DETKD. Copies of the Policy can be obtained from the club or our website, [www.eaglingstaekwondo.com.au](http://www.eaglingstaekwondo.com.au)

### 3. Who this Policy Applies To

3.1 This Policy applies to all members of DETKD (Members), whether they are in a paid or unpaid/voluntary capacity. This includes:

- Employees and volunteers;
- Administrators;
- Coaches and assistant coaches;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Athletes and players;
- Referees and other officials;
- Any other person or organisation that is a member of or affiliated to Dale Eagling's Taekwondo
- Parents, guardians, spectators and sponsors to the full extent that is possible.

3.2 This Policy applies to behaviour occurring both within and outside the course of DETKD business, activities and events, when the behaviour involves Members and negatively affects relationships within DETKD's sport and work environment.

3.3 This Policy will continue to apply to a person after they have stopped their association or employment with Dale Eagling's Taekwondo if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

### 4. Roles and Responsibilities

4.1 This section specifies the roles and responsibilities of all Members. In some cases, particular classes of Members have the additional roles and responsibilities that are also specified below.

### **All Members**

- 4.2 A Member must:
- (a) comply with DETKD's constitution, rules and policies including this Member Protection Policy;
  - (b) be ethical, fair and honest in all their dealings with other people and DETKD;
  - (c) treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
  - (d) always place the safety and welfare of children above other considerations;
  - (e) operate within the rules and spirit of taekwondo;
  - (f) comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
  - (g) be responsible and accountable for their conduct;
  - (h) abide by the relevant Role-Specific Codes of Conduct outlined in Part D of this policy;
  - (i) make complaints about a breach of this Policy in accordance with DETKD 's Complaints Procedure;
  - (j) submit to the Complaints Handling Procedure if an allegation is made against that Member;
  - (k) not make any frivolous or vexatious claim that another person is in breach of this Policy; and
  - (l) conduct themselves in a proper manner so as not to bring that Member, DETKD or the sport generally into disrepute.

### **Administrators**

- 4.3 Administrators must comply with DETKD's Codes of Conduct, and ensure that DETKD:
- (a) provides and promotes an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and any supply of goods and services;
  - (b) distributes, promotes and implements this Policy and the Complaints Handling Procedure;
  - (c) encourages reporting of discrimination, harassment or child abuse, regardless of who the offender might be, and that appropriate training is provided to those who manage and implement this Policy; and
  - (d) deals with complaints in an impartial, sensitive, timely and confidential manner.

### **Coaches**

- 4.4 Coaches must:
- (a) comply with the Coach Code of Behaviour as set out by the Australian Sports Commission, the Coach's Code of Ethics laid down by the National Coaching Accreditation Scheme , and DETKD's Code of Conduct;
  - (b) understand and respect that as a coach he or she has considerable power and authority over athletes and should not abuse it;
  - (c) avoid intimate relationships with athletes;
  - (d) not exclude or treat less favourably any athlete from taekwondo or coaching activities on the basis of an attribute or personal characteristic;
  - (e) always assume that there are lesbian, gay and bisexual people on teams, and among the coaching and support staff, even if they have chosen not to identify themselves, and make it clear that the coach will not tolerate any prejudice based on sexual orientation; and
  - (f) avoid focussing on an athlete's disability unless this is the only way that the coach can find out what adjustments the athlete requires.

### **Referees**

- 4.5 Referees must comply with Taekwondo Australia's Code of Conduct and DETKD 's Codes of Conduct.

### **Individual Responsibilities**

Individuals bound by this policy are responsible for:

- (a) Making themselves aware of the policy and complying with the standards of conduct outlined in this Policy;
- (b) Consenting to a National Police Record Check if the individual holds or applies for a role that involves working with people under the age of 18 years;
- (c) Complying with all other requirements of this Policy;
- (d) Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- (e) Understanding the possible consequences of breaching this Policy.

## 5. Policy Coverage

- 5.1 Discrimination and all forms of harassment are unlawful under federal, state and territory law. People engaging in such conduct can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they work or represent. For this reason, DETKD has a legal responsibility to ensure that discrimination or harassment does not occur in the course of any of DETKD's activities.
- 5.2 The law is always the minimum standard for behaviour within DETKD and therefore any criminal offence will be reported to the appropriate authorities.

### ***Discrimination***

- 5.3 It is unlawful to treat anyone unfairly on the basis of various attributes or personal characteristics in key areas of public life.
- 5.4 A Member must not treat a person less favourably than another person on the basis of an attribute (such as race, religion, sexual orientation, lawful sexual activity, gender, age, marital status, relationship status, pregnancy, breastfeeding, parental status, family responsibilities, disability, religious belief or affiliation, religious activity, irrelevant criminal / medical record, political belief or affiliation, industrial activity, association with a person who has, or is believed to have, any of these attributes) than someone else without that attribute in the same or similar circumstances.
- 5.5 Indirect discrimination is also unlawful. This means that a Member cannot impose a requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is reasonable in all circumstances it is likely to be indirect discrimination, even if there was never any intention to discriminate.

### ***Harassment***

- 5.6 Harassment can take many forms but can generally be defined as repeated unwelcome verbal or written comments, conduct, or gestures, directed toward an individual or group of individuals, that the harasser knows, or should reasonably be expected to know, is insulting, intimidating, humiliating, malicious, degrading or offensive.
- 5.7 Sexual harassment is behaviour that has a sexual element that is unwelcome and could reasonably be expected, in the circumstances in which it occurs, to offend, humiliate or intimidate the person or people at whom it is directed.
- 5.8 A Member must not engage in any form of harassment, including:
- written, verbal or physical abuse or threats;
  - unwelcome physical contact;
  - the display of offensive materials;
  - promises or threats in return for sexual favours;
  - unwelcome sexual comments, jokes or propositions;
  - homophobic comments or behaviours; or
  - jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status, pregnancy or ability.
- 5.9 Dale Eagling's Taekwondo prohibits all forms of harassment and discrimination not only because it is against the law, but because it is extremely distressing, offensive, humiliating and/or threatening and creates an uncomfortable and unpleasant environment.
- 5.10 Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary in Part E.
- 5.11 If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our Complaints Procedure outlined in Part C of this Policy. This will explain what to do about the behaviour and how Dale Eagling's Taekwondo will deal with the problem.

### ***Intimate Relations***

- 5.12 DETKD takes the view that intimate sexual relationships between coaches and the adult athletes that they coach should be avoided. While not necessarily constituting unlawful harassment, such relationships can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence.
- 5.13 Because there is always a risk that the relative power of the coach has been a factor in the development of such relationships, DETKD takes the position that such relationships should be avoided by coaches working at all levels.
- 5.14 Should a sexual relationship develop between an athlete and a coach, DETKD will investigate whether any action against the coach is necessary. If DETKD determines that the sexual relationship is inappropriate, action may be taken to terminate the coaching relationship with the athlete. Action may include transfer of the coach or, if this is not feasible, a request for resignation or dismissal from employment or coaching duties.
- 5.15 In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach DETKD's Member Protection Officer (MPO) if they feel harassed.
- 5.16 The law is always the minimum standard for behaviour within DETKD and therefore sex with a minor, of either the same or opposite sex, is a criminal offence and will be reported to the appropriate authorities.

### ***Victimisation***

- 5.17 A Member must not subject any person to victimisation.
- 5.18 Victimisation means subjecting a person, or threatening to subject a person, to any detrimental or unfair treatment because that person has or intends to pursue his or her right to make a complaint or support another person in making a complaint against another person.

### ***Child Protection***

- 5.19 Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations. DETKD acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of our juniors. DETKD aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this, such as:
- prohibiting any form of abuse against children;
  - providing opportunities for our juniors to contribute to and provide feedback on our program development;
  - carefully selecting and screening people whose role requires them to work with or have regular contact with children (Screening procedures are outlined in Part B of this Policy);
  - ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
  - providing procedures for raising concerns or complaints (our Complaints Procedure is outlined in Part C of this Policy); and
  - providing education and/or information to those involved in our sport on child abuse and child protection.
- A minimum of two Instructors will be present at all times, until all children are collected from training
- No child shall be taken in a car by an Instructor, without the express consent of the parent.
- 5.20 DETKD requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, report it immediately to the police or relevant government agency and MPO or Head Instructor of DETKD. Descriptions of the sorts of activity which may be abuse are in the Dictionary in Part E.

- 5.21 All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in Part B of this Policy
- 5.22 If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the Child Protection Office on 1300 737 639 or Child and Family Services on 1800 001 219.
- 5.23 DETKD has an ongoing commitment to risk assessment and management, which is constantly reviewed. Once a risk has been identified we are committed to resolving it in the most efficient manner, through the processes outlined in this policy.

## **6. Complaint procedures and disciplinary action**

### ***Complaints***

- 6.1 DETKD has a Complaints Procedure (Part C of this Policy) and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially. DETKD aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person or organisation has breached this policy. A complaint should be reported to the Member Protection Officer (MPO) Head Instructor or Branch Instructor of DETKD.
- 6.2 A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the MPO or Head Instructor of DETKD considers that the complaint falls outside the parameters of this policy and would be better dealt with in another way.

### ***Disciplinary action***

- 6.2 Disciplinary action will be taken by DETKD against anyone who:
- is found to be in breach of this Policy;
  - victimises or retaliates against a person who has complained of a breach of this Policy;
  - breached the Code of Conduct and Role-Specific Codes of Conduct;
  - 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 DETKD information that is of a private, confidential or privileged nature;
  - brought the sport and/or DETKD into disrepute; or
  - made a complaint they knew to be untrue, vexatious, malicious or improper.
- 6.3 The discipline will depend on the severity of the case and may involve a verbal or written apology, counselling, suspension, dismissal or other form of action.
- 6.4 In most instances, child protection matters will have to be referred to the police or a family services authority.

### ***Mediation***

- 6.5 DETKD aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator.
- 6.6 Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the MPO or other designated person will, in consultation with the complainant, arrange for a mediator to mediate the complaint.

### ***Confidentiality and reporting***

- 6.7 DETKD 's administration responsible for implementing this Policy will keep confidential the names and details relating to complaints, unless disclosure is:
- (a) necessary as part of the disciplinary or corrective process; or
  - (b) required by law.

## Part B: Child Protection Requirements

### 1. Background

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

The Australian Sports Commission (ASC) describes child abuse as:

*'...physical abuse, which results in non-accidental injuries; emotional abuse, which causes psychological or emotional damage; neglect, which result in ill health; and sexual abuse, which includes a range of sexual activity and exploitation of children, that can result in physical or psychological damage.'*

Recent litigation in this area has highlighted the prevalence of child abuse in sport and the need for strategies to be implemented to offer a safe and protective environment for children. The ASC revealed recently that evidence exists to indicate one in four girls and one in eight boys under the age of 18 will be sexually abused.

People involved in sport and who are working with children play a vital role in the prevention and early detection of child abuse and have a duty of care to members.

### 2. The Law

There are a number of state and federal laws that prohibit harassment. In particular, section 28 of the *Sex Discrimination Act 1984 (Commonwealth)* outlaws direct and indirect sexual harassment in the context of Associations and the *Sex Discrimination Act 1994 (Tas)* expressly prohibits sexual harassment.

In addition, the Tasmanian *Children, Young Persons and Their Families Act 1997* provides that any person who believes, suspects or has knowledge that a child has suffered, or is at risk of, maltreatment may report it.

Under this Act reporting is **mandatory** for registered medical practitioners, nurses, dentists, police officers, psychologists, school principals and teachers, people who manage childcare services or provide childcare for a fee or reward, people who are employed or who are volunteers in government agencies or **an organisation that receives any funding from the Crown** for the provision of such services. This may include organisations in receipt of grants from Sport and Recreation Tasmania.

In New South Wales and Queensland child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation. The Victorian, South Australian, Northern Territory and Western Australian governments are currently developing child protection legislation that will also impact upon sport.

Please be aware that state and territory child protection requirements also apply to individuals and organisations originating outside of the states with the legislation in place. For example, if DETKD, the state association or affiliated Associations takes junior players to New South Wales or Queensland for training camps, competition or other activities, those travelling with the teams must comply with the NSW or QLD legislative requirements.

As part of DETKD 's commitment to protecting the safety and welfare of children and young people involved in DETKD activities, we require 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 our sport such as coaches, juniors, parents and officials; and*
- *Meet the requirements outlined below*

### 3. Child Protection Requirements

This section sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in DETKD that involves working with people under the age of 18 years.

Screening under this policy is not a replacement for any other procedure required by law. If State or Territory legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process outlined below need not be followed.

#### **Club requirements**

DETKD is a Child Safe Organisation and is committed to the protection of children and young people. All successful applicants will be carefully screened for any role which places them in charge of children.

Under the Member Protection Policy, DETKD is required to:

1. (a) Ensure that all Branch Instructors, Senior Instructors and Instructors undergo an initial interview process prior to being placed in either of these positions. The interview would focus on assessing their motivations to work with children and all interviews will be conducted in accordance with “Behavioural Interviewing” to ensure that we only select the best possible candidates to work in these roles. Once appointed to a position, an ongoing review process will be undertaken each year to ensure that the standard of Branch Instructors / Senior Instructors & Instructors at DETKD remain of the highest quality, and the focus remains on providing a safe and nurturing environment for children and their families to learn Taekwondo.  
  
(b) Once a student reaches the rank of Red III they are required to demonstrate their teaching ability in the class to the Branch / Senior Instructors. After the initial interview these Instructors will be supervised in this role to ensure that they are capable of performing the set tasks - until such time as the Head Instructor deems them able to work independently with the groups of children that they are instructing. If they are not suited to this role then they will be removed from this position immediately.
2. Identify positions (paid and voluntary) that involve working with people under the age of 18 years.
3. Check a person’s referees (verbal) and interview a person about their suitability for the role and their suitability for working with children for both paid and voluntary positions.
4. Obtain a completed Member Protection Declaration (MPD) from all people who are bound by this Policy if they occupy or apply for a position that involves working with people under the age of 18 years. The MPD will be kept in a secure place.
5. Request a Police Record Check from people applying for, or currently occupying, positions that involve working with people under the age of 18 years. Copies of Police Record Checks performed in the immediately preceding 12 months may be submitted by the applicant if available.
6. Undertake the following additional screening procedures:
  - verification of identity;
  - child-related complaints against the person in previous employment;
  - restraint orders against the person; and
  - disciplinary action against the person in previous employment, including information regarding professional de-registration.
7. Decide whether to offer the person the position, or retain the person in the position, taking into account the result of the police check and any other information DETKD has available. Where it is not practical to complete the police check prior to employment commencing, DETKD will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check. Until such time as a Police Check is received the person will be supervised at all times whilst teaching children
8. Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process. Information collected during screening (such as a completed MPD form, police records 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.

If the police check or the MPD indicates a relevant offence, DETKD 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 the age of 18 years.

If unsatisfied, then DETKD will:

- (a) in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly and un-supervised with people under the age of 18 years. If this is not possible, then end the appointment. Note: legal advice should be obtained before the termination process begins.
- (b) in the case of someone applying for the position/role, not appoint them.

If the person does not agree to a Police Record Check after it has been explained why it is a requirement, DETKD will transfer the person to another role which does not require them to work directly and un-supervised with people under the age of 18 years.

#### 4. Member Protection Declaration

Dale Eagling’s Taekwondo has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with DETKD activities. As part of this duty of care and as a requirement of DETKD ‘s Member Protection Policy, DETKD must enquire into the background of those applying for, undertaking, or remaining in any work (paid or voluntary) that involves working with people under the age of 18 years]

I ..... (name) of .....

..... (address) born on

...../...../..... sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for offences involving sexual activity, acts of indecency, child abuse or child pornography.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. I have never had, or currently have, any restraint orders against me.
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me.
6. To my knowledge there is no other matter that Dale Eagling’s Taekwondo may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the Head Instructor of Dale Eagling’s Taekwondo engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed for whatever reason.

Declared in the State/Territory of ..... on

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

Witness ..... (name) ..... (signature)

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

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

Name:.....

Signature:.....

Date...../...../.....

## Part C: Complaints Procedure

Dale Eagling's Taekwondo undertakes to deal with any complaints brought to us concerning a breach of the Membership Protection Policy promptly, seriously, sensitively and confidentially, and respecting the privacy rights of individuals concerned.

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of DETKD's Member Protection 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.

### 1. Procedural Steps

Given all of the variables that can arise, Dale Eagling's Taekwondo 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.

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.

Should a complaint arise, DETKD encourages the Complainant to consider the following options:

- 1.1 Approach the person creating the problem and ask him or her to stop the behaviour; or  
if the behaviour continues, or it is not reasonable or possible to approach the person, contact either:
  - i. DETKD's Member Protection Officer; or
  - ii. any Senior Instructor of DETKD
 for advice and support on procedures (including police advice if such notification is required).
- 1.2 At any stage, it is the prerogative of the Complainant to proceed with, or dissolve, a complaint.  
If you wish to remain anonymous, we 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 Dale Eagling's Taekwondo 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.
- 1.3 If the Complainant decides to proceed, the Head Instructor or if needed a nominated Senior Instructor will investigate the complaint.
- 1.4 The purpose of the investigation is to establish whether discrimination or harassment occurred and, if so, what action should be taken to resolve the matter. If the Complainant requests the Member Protection Officer investigate the complaint, this Officer's role is to:
  - inform the alleged wrongdoer;
  - interview both parties separately;
  - confidentially and impartially keep accurate records of the process;
  - attempt mediation/conciliation where appropriate
  - achieve resolution and follow-up
- 1.6 Should the complainant decide to proceed, the processes outlined above should take no more than two (2) weeks. Upon expiry of this two (2) week timeframe, the disciplinary committee will take appropriate action.
- 1.6 If the Complainant chooses not to pursue or to withdraw the complaint, Dale Eagling's Taekwondo has a legal responsibility to maintain a harassment-free sporting environment. The Member Protection Officer must therefore determine whether the alleged harassment is serious enough to warrant an investigation

### 2 Disciplinary Committee

- 1.7 If no resolution is achieved, the Member Protection Officer gives all reports to the Disciplinary Committee, tailored by DETKD as required, who determines the appropriate course of action.

### **3 External Resolution**

- 1.8 If the complaint is not resolved, the Complainant may make a written complaint to an external organisation (such as the Anti-Discrimination Commissioner, Australian Sports Commission or Tasmanian Department of Sport & Recreation) for mediation or arbitration. This can be done with the support of the Member Protection Officer.
- 1.9 If the complaint is upheld, a remedy will be prescribed by that external organisation.

### **4. Right to appeal**

Both parties to a complaint have the right to appeal the decision and seek the recommendation of a panel if the matters of procedure, bias, or fairness are called into question. An appeals panel, made up of members *other* than those who formed the original review panel, should handle formal appeals.

## Part D: Role-specific codes of conduct

### General Code of Conduct

As a member of Dale Eagling's Taekwondo or a person required to comply with Dale Eagling's Taekwondo Member Protection Policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Dale Eagling's Taekwondo, and in any role you hold within Dale Eagling's Taekwondo:

1. Respect the rights, dignity and worth of others.
2. Be fair, considerate and honest in all dealing with others.
3. Be professional in, and accept responsibility for, your actions.
4. Make a commitment to providing quality service.
5. Be aware of, and maintain an uncompromising adherence to taekwondo's standards, rules, regulations and policies.
6. Operate within the rules of taekwondo including national and international guidelines which govern taekwondo, the member associations and the affiliated Associations.
7. Do not use your involvement with Dale Eagling's Taekwondo to promote your own beliefs, behaviours or practices where these are inconsistent with those of Dale Eagling's Taekwondo.
8. 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.
9. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
10. Refrain from any form of harassment of others.
11. Refrain from any behaviour that may bring Dale Eagling's Taekwondo into disrepute.
12. Provide a safe environment for the conduct of all activities.
13. Show concern and caution towards anyone who may be sick or injured.
14. Be a positive role model in attitude, behaviour and personal appearance.
15. Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

### Instructor/Coach Code of Conduct

In addition to Dale Eagling's Taekwondo General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Dale Eagling's Taekwondo and in your role as an instructor or coach appointed by Dale Eagling's Taekwondo:

1. Do not tolerate acts of aggression.
2. Provide feedback to students and other participants in a manner sensitive to their needs. Avoid overly negative feedback.
3. Ensure the student's time spent with you is a positive experience.
4. Recognise student's rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).
5. Treat all students fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status and other conditions.
6. Encourage and facilitate student's independence and responsibility for their own behaviour, performance, decisions and actions.
7. Involve the students in decisions that affect them.

8. Encourage students to respect one another and to expect respect for their worth as individuals regardless of their level.
9. Ensure that the tasks and/or training set are suitable for age, experience, ability, and physical and psychological conditions of students.
10. Ensure any physical contact with students is appropriate to the situation and necessary for the student's skill development.
11. Be acutely aware of the power that you as a coach develop with your students in the coaching relationship and avoid any sexual intimacy with students that could develop as a result.
12. Avoid situations with your students that could be construed as compromising.
13. Refrain from seeking to make contact or spend time alone with a child outside normal DETKD training times or official activities, unless under the supervision or consent of the child's parent.
14. No Instructor / Coach will conduct training sessions with children outside normal class times.
15. Actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances.
16. Do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of your students.
17. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
18. Know and abide by rules, regulations and standards, and encourage students to do likewise. Accept both the letter and the spirit of the rules.
19. Be honest and ensure that qualifications are not misrepresented.
20. Seek continual self improvement through study, performance appraisal and regular updating of competencies.

## **Official Code of Conduct**

In addition to Dale Eagling's Taekwondo General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Dale Eagling's Taekwondo and in your role as an official appointed by Dale Eagling's Taekwondo:

1. Place the safety and welfare of the students/participants above all else.
2. Accept responsibility for all actions taken.
3. Be impartial.
4. Avoid any situation that may lead to a conflict of interest.
5. Be courteous, respectful and open to discussion and interaction.
6. Value the individual in sport.
7. Encourage inclusivity and access to all areas of officiating.
8. Seek continual self improvement through study, performance appraisal and regular updating of competencies.

## **Player/athlete Code of Conduct**

In addition to Dale Eagling's Taekwondo General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by Dale Eagling's Taekwondo and in your role as a student/participant in any activity held by or under the auspices of Dale Eagling's Taekwondo:

1. Respect the rights, dignity and worth of fellow students/athletes, coaches, officials and spectators.
2. Do not tolerate acts of aggression.
3. Respect the talent, potential and development of fellow students and competitors.
4. Care for and respect the equipment provided to you as part of your program.
5. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
6. At all times avoid intimate relationships with your coach/instructor.
7. Conduct yourself in a professional manner relating to language, temper and punctuality.
8. Maintain high personal behaviour standards at all times.
9. Abide by the rules and respect the decision of the official, making all appeals through the formal process and respecting the final decision.
10. Be honest in your attitude and preparation to training.
11. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

## **Parent/Guardian Code of conduct**

As a parent/guardian of a student/participant in any activity held by or under the auspices of Dale Eagling's Taekwondo, you must meet the following requirements in regard to your conduct during any such activity or event:

1. Respect the rights, dignity and worth of others.
2. Remember that your child participates in sport for their own enjoyment, not yours.
3. Focus on your child's efforts and performance rather than winning or losing.
4. Never ridicule or yell at your child and other children for making a mistake or losing a competition.
5. Show appreciation for good performance and skill exhibited by all students/competitors.
6. Demonstrate a high degree of individual responsibility especially when dealing with or in the vicinity of persons under 18 years of age, as your words and actions are an example.
7. Respect officials' decisions and teach children to do likewise.
8. Do not physically or verbally abuse or harass anyone associated with the sport (student, competitor, coach, referee and so on).
9. Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
10. Be a positive role model.
11. Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.

## **Spectator Code of Conduct**

As a spectator in any activity held by or under the auspices of Dale Eagling's Taekwondo, you must meet the following requirements in regard to your conduct during any such activity or event:

1. Respect the decisions of officials and teach young people to do the same.
2. Never ridicule or scold a young student/competitor for making a mistake. Positive comments are motivational.
3. Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or competitors.
4. Do not use violence, harassment or abuse in any form (i.e. do not use foul language, sledge or harass competitors, coaches, officials or other spectators).
5. Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

## Part E: Dictionary

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

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

**Affiliated clubs / organisations** means all Clubs / organisations under the auspices of Dale Eagling's Taekwondo.

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

**Child abuse** relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

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

**Complaint** means a complaint made under clause 6 of this Policy.

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

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

- Race;
- Age;
- Sexual orientation;
- Lawful sexual activity
- Gender;
- Marital status;
- Relationship status
- Pregnancy;
- Breastfeeding
- Parental/carer status;
- Family responsibilities
- Disability;
- Industrial activity
- Political belief/affiliation /activity;
- Religious belief/affiliation/activity;
- Irrelevant criminal/medical record
- Association with a person who has, or is believed to have, any of these attributes.

Some States and Territories include additional characteristics.

Discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition; obtaining or retaining membership of an organisation (including the rights and privileges of membership).

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

Discrimination may be direct or indirect.

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

**Harassment** is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

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

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment.

Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

**Junior** means a person under the age of eighteen (18) years who is participating in an activity of Dale Eagling's Taekwondo.

**Mediator** means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

**Member** means any person who is involved in any activities run by or sanctioned by Dale Eagling's Taekwondo

**Member protection** is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as Associations, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- providing education.

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

**Natural justice** incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision maker/s must be unbiased, fair and just
- the penalties imposed must not outweigh the 'crime'

**Police check** means a national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.

**Policy and this policy** mean this Member Protection Policy.

**Respondent** means the person who is being complained about.

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

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may

include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency *including but not limited to (due to differences under state/territory legislation):*

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

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

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

**Young People/person** means people in the 13 – 18 year age group.

## Part F: Procedures for mediation and investigation

### F1. Mediation

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 Dale Eagling's Taekwondo.

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. If the Head Instructor 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
  - b. 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 will, in consultation with the complainant and the respondent(s), arrange for a mediator to mediate the complaint.
5. The MPO will notify the respondent(s) that a formal complaint has been made, provide them with details of the complaint and notify them DETKD 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 MPO or Head Instructor to request that the MPO or Head Instructor reconsider the complaint; *or*
  - b. approach an external agency such as an anti-discrimination commission.

## F2. Investigation process

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 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 F4.

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)

### **F3. Investigation procedure - child abuse**

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.

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

- Any complaints, concerns or allegations of child abuse should be made or referred to the MPO of the Association.
- 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.
- 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***

- 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.
- If the allegation involves 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 Office of the Commissioner for Children 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, report the allegation to the relevant government agency.

#### ***Step 3 – Protect the child***

- The MPO should assess the risks and take interim action to ensure the child's/children's safety. Some options could 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.
- The MPO 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 allegation***

For allegations of a serious or criminal nature (for example, sexual abuse):

- Seek advice from the police and relevant government agency as to whether DETKD should carry out its own internal investigation (in addition to any police or relevant government agency investigation).

- If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation. The investigator should:
  - Contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government agency.
  - If appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of DETKD if required (example, professional counselling).
  - Meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary.
  - Obtain a signed statement and record of interview from the person.
  - Make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority.
  - Obtain other information that could assist in making a decision on the allegation.
- The information collected during the investigation should be made available to the relevant authorities.
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

For allegations of a less serious nature (e.g. verbal abuse):

- Where possible, appoint an independent person with appropriate expertise to make contact and meet with each of the people involved to obtain details of the allegation.
- The investigator should follow the procedure set out in Part F3.
- 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 tribunal.
- The decision-maker(s) will be Head Instructor/MPO's of DETKD and will remain separate and at arm's length from the investigator.
- The 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 Part G of the policy.
- Implement any disciplinary decision recommended by the 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 Record of Tribunal Decision report form in Part H of this policy. Retain the original in a secure place and forward a copy to the Head Instructor of DETKD.

## F4. Hearings & appeals tribunal procedure

The following Tribunal Hearing Procedure will be followed by hearings tribunals established by Dale Eagling's Taekwondo.

### ***Tribunal Formation and Notification***

1. A Tribunal Panel will be constituted following the rules of Dale Eagling's Taekwondo, to hear a complaint that has been referred to it by MPO or Head Instructor.
2. The MPO or Head Instructor will organise for a Tribunal to be convened by notifying all 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 MPO or Head Instructor 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 determined by DETKD.
  - 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 MPO or of the need to reschedule, and MPO or Head Instructor will organise for the Tribunal Hearing, with a new Tribunal Panel to be reconvened.
5. The MPO or Head Instructor 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 Taekwondo DETKD activities and events, pending the decision of the Tribunal, including any available appeal process, unless the MPO or Head Instructor believes it is warranted to exclude the respondent(s) from all or some DETKD activities and events, after considering the nature of the complaint.

6. The MPO or Head Instructor 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 MPO or Head Instructor 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 MPO or Head Instructor of the need to reschedule, and the MPO or Head Instructor 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.
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 DETKD's Member Protection 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 MPO or Head Instructor a copy of the tribunal decision including any disciplinary measures imposed.
  - 24.2 Forward a letter to the respondent(s) reconfirming the Tribunals 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***

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 DETKD 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.
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 within 14 days of the relevant decision
27. If the letter of appeal is not received by the MPO 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 MPO must convene a special meeting of DETKD's Senior Instructors to review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed. DETKD's Senior Instructors 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.
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. DETKD 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.

## Part G: DISCIPLINARY MEASURES

Any disciplinary measure imposed by Dale Eagling's Taekwondo Management 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 DETKD to impose the disciplinary measure.

### ***Individual***

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

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 DETKD;
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;
9. In the case of a coach, instructor 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 DETKD 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 Member has breached DETKD's Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the Head Instructor:

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 DETKD cease from a specified date;
5. A recommendation to Taekwondo Australia that its membership of the national association be suspended or terminated in accordance with the relevant constitution or rules; and/or
6. 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.

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

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

- 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 H: Reporting documents/forms

To assist in consistency and accuracy in following procedure and reporting on the issues covered by Dale Eagling's Taekwondo Member Protection policy the following documents are to be used:

- 1 **Confidential Record of informal complaint** – to be used by MPOs or others who receive a complaint or allegation
- 2 **Confidential Record of Formal Complaint** – to be used when a formal complaint is received by Dale Eagling's Taekwondo
- 3 **Confidential Record of Child Abuse Allegation** – to be used by MPOs or others who receive complaints/allegations of child abuse
- 4 **Record of Mediation** – to be used by those who conduct a mediation
- 5 **Record of Tribunal Decision**

### General principles 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.



<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 the Head Instructor of the DETKD.



<p>Nature of complaint (basis/grounds/category)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Race      <input type="checkbox"/> Age      <input type="checkbox"/> Sexual</p> <p><input type="checkbox"/> Gender      <input type="checkbox"/> Marital Status      <input type="checkbox"/> Relationship Status</p> <p><input type="checkbox"/> Pregnancy      <input type="checkbox"/> Breastfeeding      <input type="checkbox"/> Parental Status</p> <p><input type="checkbox"/> Child Abuse      <input type="checkbox"/> Disability      <input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Political      <input type="checkbox"/> Industrial Activity</p> <p><input type="checkbox"/> Irrelevant Criminal/Medical Record      <input type="checkbox"/> Family Responsibilities</p> <p><input type="checkbox"/> By association with a person who has, or is believed to have, any of these attributes</p> <p><input type="checkbox"/> Other .....</p>
<p>Methods (if any) of attempted informal resolution</p>	
<p>Support person (if any)</p>	
<p>Formal resolution procedures followed (outline)</p>	
<p>If investigated: Finding -</p>	
<p>If went to hearing tribunal:</p> <p>Decision -</p> <p>Action recommended -</p>	
<p>If mediated:</p> <p>Date of mediation -</p> <p>Were both parties present -</p> <p>Terms of Agreement -</p> <p>Any other action taken -</p>	

If went to appeals tribunal: Decision Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position in <i>Dale Eagling's Taekwondo</i> : Signature: _____ Date:    /    /
Signed by:	Complainant:  Respondent:

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

### 3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in *Investigation procedures – child abuse* 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 <i>Dale Eagling's Taekwondo</i>		
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 <i>Dale Eagling's Taekwondo</i>	<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 <i>Dale Eagling's Taekwondo</i>  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.

**4: RECORD OF MEDIATION**

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

## 5: RECORD OF TRIBUNAL DECISION

Complainant's Name		Date Formal Complaint Received:    /    /
Role/status in <i>Dale Eagling's Taekwondo</i>	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Name of person complained about		
Role/status in <i>Dale Eagling's Taekwondo</i>	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Race <input type="checkbox"/> Age <input type="checkbox"/> Sexual <input type="checkbox"/> Gender <input type="checkbox"/> Marital Status <input type="checkbox"/> Relationship Status <input type="checkbox"/> Pregnancy <input type="checkbox"/> Breastfeeding <input type="checkbox"/> Parental Status <input type="checkbox"/> Child Abuse <input type="checkbox"/> Disability <input type="checkbox"/> Religion <input type="checkbox"/> Political <input type="checkbox"/> Industrial Activity <input type="checkbox"/> Irrelevant Criminal/Medical Record <input type="checkbox"/> Family Responsibilities <input type="checkbox"/> By association with a person who has, or is believed to have, any of these attributes Other .....	

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