



BOWLS
VICTORIA

MEMBER PROTECTION POLICY

Contents

PART A – INTRODUCTION.....	7
1. What is the purpose of this policy?	7
2. What does this policy cover?	7
3. Who does this policy apply to?	8
4. Code of Conduct	9
5. Organisational Responsibilities; Bowls Victoria must:	9
6. Individual Responsibilities	10
7. Policy Position Statements.....	10
7.1 Child Protection Policy	10
7.2 Anti-Discrimination and Harassment Policy	11
7.3 Sexual Relationships Policy	11
7.4 Pregnancy Policy.....	12
7.5 Gender Identity Policy	13
8. Complaints Procedures	14
8.1 Complaints	14
8.2 Vexatious Complaints & Victimisation.....	14
8.3 Mediation	15
8.4 Tribunals.....	15
9. What is a Breach of this policy.....	15
10. Forms of Discipline	16
11. Dictionary	16
PART B – BOWLS VICTORIA'S CHILD PROTECTION.....	21
REQUIREMENTS	21
Attachment B1: CHILD PROTECTION REQUIREMENTS	22
Attachment B2: VICTORIA CHILD PROTECTION REQUIREMENTS	25
Attachment B3: MEMBER PROTECTION DECLARATION	27
Attachment B4: NEW SOUTH WALES REQUIREMENTS TO CHECK PEOPLE WORKING WITH CHILDREN.....	28
PART C: PROCEDURES.....	30
Attachment C1: COMPLAINTS PROCEDURE	31
Attachment C2: MEDIATION	36
Attachment C3: INVESTIGATION PROCESS	38
Attachment C4: INVESTIGATION PROCEDURE - CHILD ABUSE	39
Attachment C5: HEARINGS & APPEALS TRIBUNAL PROCEDURE.....	42
Attachment C6: DISCIPLINARY MEASURES.....	43
PART D: ROLE-SPECIFIC CODES OF CONDUCT	45
Attachment D1: GENERAL CODE OF CONDUCT.....	46
Attachment D2: ADMINISTRATOR CODE OF CONDUCT	47
Attachment D4: OFFICIALS CODE OF CONDUCT.....	50
Attachment D5: PLAYER CODE OF CONDUCT	51
Attachment D6: PARENT/GUARDIAN CODE OF CONDUCT	52
Attachment D7: SPECTATOR CODE OF CONDUCT.....	53

PART E: REPORTING DOCUMENTS/FORMS.....	54
Attachment E1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT	56
Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT	58
Attachment E3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION	61
Attachment E4: RECORD OF MEDIATION	63
Attachment E5: RECORD OF TRIBUNAL DECISION	64

1. Bowls Victoria is the recognised controlling bodies for the sport of Lawn Bowls in Victoria. One of the objects for which Bowls Victoria has been established is to encourage conduct and promote all forms of the sport of lawn bowls throughout Victoria.
2. Bowls Victoria is committed to the safety and well-being of all its members and those who play lawn bowls throughout Victoria. Bowls Victoria is also committed to ensure that all participants in the sport are treated fairly and equally and they all have an equal opportunity to participate in the sport.
3. Bowls Victoria values the opportunity for all participants to regularly exercise together in a friendly club environment. Unfortunately, harassment can dramatically underline these benefits of participation in lawn bowls. Depending on the particular case, harassment or abuse can have devastating effects not only for an individual but for a club and even an association in the form of potential legal liability, low morale, a reluctance of people to be involved both as players and volunteers and long term damage to an organisation's reputation.
4. Bowls Victoria constitution authorise them to adopt appropriate policies relevant to the administration of the sport in Victoria. This policy is a reflection of the high priority which Bowls Victoria places on serving and protecting its members and all participants in the sport – both bowlers and non-bowlers alike.
5. The policy binds Bowls Victoria Affiliated Clubs, Members, Regions, Groups and Associations, as defined in the Bowls Victoria constitution and all must comply with this policy as required by Clause 6 Membership of the constitution.
6. Affiliated Clubs, Groups, Districts, Associations of Bowls Victoria may make their own rules or policies in relation to matters covered by this policy provided that such rules or policies do not contravene any legislation or statutory rules in Victoria and provided they are consistent with this policy. This policy must be read in the context of Bowls Victoria's constitution and any other policies made by Bowls Victoria from time to time. If there is any conflict or ambiguity between this policy and the Constitutions, or any other Bowls Victoria policy the conflicting documents must be read in such a way as to achieve Bowls Victoria's objectives of promoting and encouraging participation in and the opportunity to participate in the sport of lawn bowls.
7. It is intended that this policy is implemented and observed not only by Bowls Victoria Member Clubs, Members, Groups, Districts and Associations but also all organisations and individuals associated with Lawn Bowls in Victoria including but not limited to members of committees or other management bodies, employees, contractors, sub-contractors and agents, volunteers and honorary position holders, players, coaches and administrators.

8. Whilst Bowls Victoria is ultimately responsible for achieving the objectives of this policy the implementation of it cannot be achieved without the active participation and adherence to this policy by Bowls Victoria Member Clubs, Affiliated Clubs, Members, Groups, Districts, Associations and all other organisations and persons to whom the policy is directed.
9. We commend this policy to all Member Clubs, Affiliated Clubs, Members, Groups, Districts and Associations, participants and prospective participants in the sport. Together we can ensure the safety and well-being of all concerned and continue to promote and develop the sport to a standard that we are all comfortable with.

Graeme Hosken



Bowls Victoria President

PART A – INTRODUCTION

1. What is the purpose of this policy?

- 1.1. The purpose of this policy is to protect the health, safety and well-being of all Members of Bowls Victoria, and those who participate in the sport of lawn bowls, both bowlers and non-bowlers alike.
- 1.2. Bowls Victoria is committed to providing a safe environment for all participants that is free from harassment, abuse and other unfair treatment and promotes respectful and positive behaviour towards everybody.
- 1.3. For that reason the policy provides the basis for appropriate and ethical conduct and all those involved in the sport of lawn bowls must comply with these principles and the specific requirements of this policy. The policy aims to ensure that Bowls Victoria's core values, good reputation and positive behaviour and attitude are maintained. It assists in ensuring that every person involved in the sport is treated with respect and dignity, and is safe and protected from abuse or other inappropriate behaviour. The policy also ensures that everyone involved in the sport is aware of their legal and ethical rights and responsibilities.
- 1.4. The policy will provide the procedures that support a commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from the sport. As part of this commitment, Bowls Victoria will take disciplinary action against any person or organisation who is bound by this policy, if Bowls Victoria considers such person or organisation is in breach of this policy.
- 1.5. The policy has been endorsed by the Board of Bowls Victoria and commences on **1 January 2011** and will operate until amended or replaced. The policy and/or its attachment may be amended from time to time by a resolution of the Boards. Copies of the policy and its attachments can be obtained from the Bowls Victoria website www.bowlsvic.org.au or from the Bowls Victoria office or telephone (03) 9819 0757

2. What does this policy cover?

- 2.1. In summary, this policy sets out the ways Bowls Victoria and its Members seek to fulfil the purposes set out in clause 1 as follows:
 - Bowls Victoria and its Members must screen Preferred Applicants and existing Appointees in certain roles and is highly recommended, but is not mandatory, in other types of roles;

- Bowls Victoria and its Members must promote and distribute this policy and enforce and recognise any penalties or other sanctions imposed pursuant to this policy;
- It is a breach of this policy to engage in "harassment" in any form;
- It is a breach of this policy to engage in "discrimination" in any form;
- All coaches, umpires, administrators, other officials, volunteers, players and parents/guardians are bound by the Code of Conduct;
- The policy provides a process for making a Complaint concerning a possible breach of the policy including a process for investigating such possible breach and determining, by way of hearing or otherwise, whether or not such a breach has occurred and an appropriate appeal process.

3. Who does this policy apply to?

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

- 3.1. This policy applies to the following organisations and individuals to the fullest extent possible:
- (a) persons appointed or elected to boards of directors, executives and/or committees (including sub-committees) of Bowls Victoria, Member Associations, Groups, Districts and Affiliated Clubs;
 - (b) employees of Bowls Victoria, Member Associations, Groups, Districts and Affiliated Clubs;
 - (c) officials appointed or elected by Bowls Victoria Member Associations, Groups, Districts and Affiliated Clubs in relation to players and/or teams which represent such organisations including team management personnel such as managers and physiotherapists;
 - (d) coaches (including assistant coaches) who:
 - are appointed and/or employed by Bowls Victoria, Member Associations, Groups, Districts and Affiliated Clubs (whether paid or unpaid); or
 - have an agreement (whether or not in writing) with Bowls Victoria, a Member Association, Group, District or an Affiliated Club to coach at a facility owned or managed by such organisation;
 - (e) umpires and other officials involved in the regulation of the sport appointed by Bowls Victoria, a Member Association, Group, District or an Affiliated Club;
 - (f) players who enter any tournament, activity or event (including camps, training sessions, etc) which are held or sanctioned by Bowls Victoria, a Member Association; groups; District; Affiliated Clubs;
 - (g) Parents and guardians of any member, spectators and sponsors of the Bowls Victoria.

4. Code of Conduct

Bowls Victoria requires every individual and organisation bound by this Policy to:

- 4.1. Be ethical, fair and honest in all their dealings with other people;
- 4.2. Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- 4.3. Always place the safety and welfare of children above other considerations;
- 4.4. Comply with Bowls Victoria's constitution, rules and policies including this Member Protection Policy;
- 4.5. Operate within the rules of the spirit of the sport;
- 4.6. Comply with all relevant Australian laws (Federal and State), particularly any discrimination and child protection laws;
- 4.7. Be responsible and accountable for their conduct;
- 4.8. Abide by the relevant Role-Specific Codes of Conduct outlined in part D of this policy.

5. Organisational Responsibilities; Bowls Victoria must:

- 5.1. Adopt, implement and comply with this policy;
- 5.2. Publish, distribute and otherwise promote this policy and the consequences of breaching it;
- 5.3. Promote appropriate standards of conduct at all times;
- 5.4. Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- 5.5. Apply this policy consistently;
- 5.6. Recognise and enforce any penalty or other sanction imposed under this policy;
- 5.7. Ensure that a copy of this policy is available or accessible to the persons to whom the policy applies;
- 5.8. Appoint or have access to appropriately trained people to receive and handle complaints and allegations and display the names and contact details of such person or persons in a way that is readily accessible;

5.9 Monitor and review this policy at least annually.

6. Individual Responsibilities

Individuals and organisations bound by this policy are responsible for:

- 6.1 Making themselves aware of the policy and complying with the standards of conduct outlined in it;
- 6.2 Where required, consent to a national police check;
- 6.3 Comply with all other requirements of the policy;
- 6.4 Co-operate in providing a discrimination, child abuse and harassment free sporting environment;
- 6.5 Understanding the possible consequences of the breach of this policy;

7. Policy Position Statements

7.1 Child Protection Policy

7.1.1 Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

7.1.2 Bowls Victoria acknowledges that staff, members and volunteers provide a valuable contribution to the positive experiences of juniors. Bowls Victoria aim 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 juniors to contribute to and provide feedback on program development;
- Carefully selecting and screening people whose role requires them to have direct and unsupervised 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 the sport on child abuse and child protection.

7.1.3 Bowls Victoria requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within the sport, to report it immediately to the police or relevant government agency and Bowls Victoria's *Development Manager*. The sorts of activity which may be abuse are in the Dictionary at clause 11.

7.1.4 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. Procedures for handling allegations of child abuse are outlined in attachment [C4] of this policy.

- 7.1.5 If anyone bound by this policy reasonably suspects that a child is being abused by their parent/s, coach, volunteer, official or affiliated member they are advised to contact the relevant government department for youth, family and community services in their state/territory.

7.2 Anti-Discrimination and Harassment Policy

- 7.2.1 Bowls Victoria aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.
- 7.2.2 Bowls Victoria recognises that all those involved in their activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.
- 7.2.3 Bowls Victoria prohibit all forms of harassment and discrimination based on personal characteristics listed in the Dictionary. Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment are against the law.
- 7.2.4 Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary at clause 11.
- 7.2.5 If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to the complaints procedure outlined in attachment [E] of this policy. This will explain what to do about the behaviour and how Bowls Victoria will deal with the problem.

7.3 Sexual Relationships Policy

- 7.3.1 Bowls Victoria take the position that sexual relationships between coaches and the adult athletes that they coach should be avoided. Bowls Victoria takes the view that such relationships while not necessarily constituting unlawful harassment, 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. Bowls Victoria's policy position is similar to other organisations who disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students.
- 7.3.2 Should a sexual relationship develop between an athlete and coach, Bowls Victoria will consider whether any action is necessary. Factors that may be relevant in this consideration are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.
- 7.3.3 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 Bowls Victoria if they feel harassed.
- 7.3.5 The law is always the minimum standard for behaviour within Bowls Victoria and therefore sex with a child is a criminal offence.

7.4 Pregnancy Policy

- 7.4.1 Bowls Victoria is committed to providing an inclusive sporting environment for pregnant women involved in their activities. Bowls Victoria expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in the sport that may disadvantage them. We will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

Descriptions of some of the types of behaviour which could be regarded as pregnancy discrimination or harassment are provided in the Dictionary at clause 11.

- 7.4.2 If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to the complaints procedure outlined in attachment [C] of this policy. This will explain what to do about the behaviour and how Bowls Victoria will deal with the problem.
- 7.4.3 While many sporting activities are safe for pregnant women to participate in, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the particular sporting activity and the particular pregnant woman's circumstances.

- 7.4.4. Bowls Victoria will take reasonable care to ensure the safety, health and well being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in the sport.
- 7.4.5 We encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities.
- 7.4.6 We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

7.5 Gender Identity Policy

- 7.5.1 Bowls Victoria is committed to providing an inclusive sporting environment where transgender or transsexual people involved in their activities are able to contribute and participate. Bowls Victoria expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour which could be regarded as transgender or transsexual discrimination or harassment are provided in the Dictionary at clause 11.

- 7.5.2 If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to the complaints procedure outlined in attachment C1 of this policy. This will explain what to do about the behaviour and how Bowls Victoria will deal with the problem.
- 7.5.3 Bowls Victoria recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general Bowls Victoria will facilitate transgender or transsexual persons participating in the sport of the sex with which they identify.
- 7.5.4 Bowls Victoria also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, Bowls Victoria will seek advice on the application of those laws in the particular circumstances.

- 7.5.5 Bowls Victoria is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender or transsexual person intends competing at an elite level, we will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by Bowls Victoria.
- 7.5.6 Bowls Victoria notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

8. Complaints Procedures

8.1 Complaints

- 8.1.1 Bowls Victoria aim 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/s or a sporting organisation has breached this policy. A complaint should be reported to the MPIO.
- 8.1.2 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 MPIO considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.
- 8.1.3 All complaints will be dealt with promptly, seriously, sensitively and confidentially. The complaint procedures are outlined in attachment [C] of this policy.

8.2 Vexatious Complaints & Victimisation

- 8.2.1 Bowls Victoria aims to ensure the complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the Development Manager considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Development Manager for appropriate action which may include disciplinary action against the complainant.
- 8.2.2 Bowls Victoria will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

8.3 Mediation

- 8.3.1 Bowls Victoria 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. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.
- 8.3.2 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 MPIO will, in consultation with the complainant, arrange for a mediator to mediate the complaint. More information on the mediation process is outlined in attachment [C2] of this policy.***

8.4 Tribunals

- 8.4.1 A hearings tribunal may be formed to hear a formal complaint that has been referred by Bowls Victoria Chief Executive, or an alleged breach of the policy. The tribunal hearings procedure is outlined in attachment [C5] of this policy.
- 8.4.2 A respondent may lodge one appeal only to the appeal tribunal in respect of a decision of a hearing tribunal. The decision of the appeal tribunal is final and binding on the people involved to the appeal. The appeals process is outlined in attachment [C2] of this policy.
- 8.4.3 Every organisation bound by this policy will recognise and enforce any decision made, and form of discipline imposed, by an appeals tribunal under this policy.

9. 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:

- 9.1 Done anything contrary to this policy;
- 9.2 Breached the Code of Conduct and Role-Specific Codes of Conduct;
- 9.3 Brought Bowls Victoria into disrepute;
- 9.4 Failed to follow Bowls Victoria policies and procedures for the protection, safety and welfare of children;
- 9.5 Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- 9.6 Discriminated against or harassed any person;
- 9.7 Victimised another person for reporting a complaint;
- 9.8 Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- 9.9 Disclosed to any unauthorised person or organisation any Bowls Victoria information that is of a private, confidential or privileged nature;

- 9.10 Made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 9.11 Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- 9.12 Failed to comply with a direction given to the individual or organisation during the discipline process.

10. Forms of Discipline

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is included under clause 10 of the Bowls Victoria constitution, see [C6] attachment

11. 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 specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State child protection commissions or equal opportunity and anti-discrimination commissions.

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

Child means a person who is under the age of 18 years (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; 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 10 of this policy.

Complainant means the person making a complaint.

Constitution means the constitutions of the RVBA and VLBA in force from time to time

Discrimination means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination).

The law also covers **Indirect Discrimination**. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. The characteristics covered by discrimination law across Australia are:

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

Examples of Discrimination

Age: A club refuses to allow an older person to coach a team simply because of their age.

Breastfeeding: A member of the club who is breastfeeding her baby in the club rooms is asked to leave.

Disability: A junior player is overlooked because of her mild epilepsy.

Family responsibilities: A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.

Gender Identity: A transgender contract worker is harassed when employees refuse to call her by her female name.

Homosexuality: An athlete is ostracised from her team after she tells a team mate that she is a lesbian.

Marital Status: A player is deliberately excluded from team activities and social functions because she is single.

Pregnancy: A woman is dropped from her squad when she becomes pregnant.

Race: An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.

Sex: Specialist coaching is only offered to male players in a mixed team.

Harassment is any type of behaviour that the other person does not want and 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, sexual orientation or other characteristic (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

Some exceptions to state and federal anti-discrimination law apply. Examples include: holding a competitive sporting activity for females only who are 12 years of age or over where strength, stamina or physique is relevant or not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that sporting activity.

Junior means a person under the age of eighteen (18) years who is participating in a Bowls Victoria activity.

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 a member for the time being of the Association under **Part II** of the Bowls Victoria constitution

Member Club means a bowls club that is a Member of the Association in accordance with the provisions in **Part II** of these Rules, for such time as that club remains a Member under these Rules.

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 clubs, 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 Information Officer (MPIO) means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The MPIO 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 MPIO 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 B – BOWLS VICTORIA’S CHILD PROTECTION REQUIREMENTS

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. Please be aware that state and territory child protection requirements also apply to individuals and organisations originating outside of Victoria with the legislation in place. For example, if we take an Under 18 Victorian State team 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 Bowls Victoria’s commitment to protecting the safety and welfare of children and young people involved in Bowls Victoria activities, Bowls Victoria requires the following measures to be met:

- Provide opportunities for juniors to contribute to and provide feedback on junior 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 :
 - For QLD association/club, see attachment B1
 - For NSW association/club, see attachment B2
 - For all other state/territories, see attachment B3 – until new child protection legislation relevant to that state/territory is introduced

Attachment B1: CHILD PROTECTION REQUIREMENTS

This attachment sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in [association/club] that involves direct and unsupervised contact 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.

Member Club, Affiliated Club, Group, District, Region and Association requirements

Under the Bowls Victoria Member Protection Policy, [association/club etc] is required to:

1. Identify positions (paid and voluntary) that involve working with people under the age of 18 years.
2. Obtain a completed *Member Protection Declaration (MPD)* (Attachment B2) 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.

If a MPD is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the MPD (e.g. has a relevant criminal conviction), Bowls Victoria 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 the Member Club, Affiliated Club, Group, District, Region or Association will:

- In the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] 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.**
- In the case of someone applying for the position/role, not appoint them.

3. Check a person's referees (verbal or written) and interview a person about their suitability for the role and their suitability for working with children for both paid and voluntary positions.

4. Ask people applying for *and people who currently occupy* a position that *involves direct and unsupervised contact with people under the age of 18 years* to **sign a**

consent form for a national police check. (Information on police checks and forms can be found at www.ausport.gov.au/ethics/policechecks.asp).

5. Request a national police check from relevant police jurisdiction for people applying for *and people who currently occupy paid and voluntary positions that involves direct and unsupervised contact with people under the age of 18 years*

In most police jurisdictions a 'Part Exclusion' check for people working with children can be requested. This check excludes irrelevant records.

If the police check indicates a relevant offence, Bowls Victoria 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 the Member Club, Affiliated Club, Group, District, Region or Association will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] 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.**
- in the case of a someone applying for the position/role, not appoint them.

If the person does not agree to a national police check after explaining why it is a requirement, the Member Club or Affiliated Club, Group, District, Region or Association shall 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, the Member of affiliated club will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work [directly and unsupervised] 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.**
- in the case of a someone applying for the position/role, not appoint them.

Decide whether to offer the person the position, taking into account the result of the police check and any other information the Member or affiliated club has available. Where it is not practical to complete the police check prior to employment commencing, the Member Club, Affiliated Club, Group, District, Region or Association must still complete the check as soon as possible. The Member Club or Affiliated Club will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check.

7. Where a national police check is obtained under this member protection policy, another organisation which is also required to screen may obtain a copy of the national police check provided that the consent of the relevant person is obtained and the national police check was performed in the immediately preceding two years.

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.

Attachment B2: VICTORIA CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Department of Justice website: <http://www.justice.vic.gov.au> and follow the Working with Children Check link under Business Units or contact 1300 652 879.

Under the [Working with Children Bill](#) (2005) the Victorian Working with Children Check (Check) will require individuals who work or volunteer with children in certain capacities in identified occupations and activities to undergo screening for criminal offences.

A person who has no relevant criminal or professional disciplinary history will be granted an assessment notice. That notice will entitle the person to undertake child-related work. A person deemed unsuitable to work or volunteer with children will be given a negative notice and cannot work in [child-related work](#). A negative notice can be appealed to Victorian Civil and Administrative Tribunal (VCAT) provided the individual is not listed on the Sex Offenders Register or subject to an extended supervision order.

Who needs to apply for a Check?

Any person who works in, or in connection with, in a paid or voluntary capacity, any of the 20 child-related occupational fields listed in the Act. This work must also usually involve (or be likely to involve) regular, direct contact with a child where that contact is not directly supervised. The following child-related categories are relevant to our sport:

- educational institutions for children (such as schools and some TAFE programs);
- clubs, associations or movements that provide services or conduct activities for or directed at children or whose membership is mainly comprised of children;
- coaching or private tuition services of any kind for children.

Exemptions

The following people will not need to have a Check:

- individuals aged under 18
- volunteers involved in an activity in which their child ordinarily participates
- individuals working only with children who are close family relations
- secondary school students aged under 20 performing volunteer work arranged through the school where they are studying
- sworn members of Victoria Police
- teachers registered with the Victorian Institute of Teaching
- a visiting worker who does not ordinarily reside and perform child-related work in Victoria.

Employer requirements

As an employer or volunteer organisation you must:

- ensure all employees or volunteers who are required to get a Check do so at the correct time, which is indicated in the phasing plan.
- where your employees or volunteers are not required to get a Check because their contact with children is directly supervised, ensure the supervisor has a Check unless an exemption applies. For example, the supervisor may be a registered teacher with the Victorian Institute of Teaching, making them exempt
- ensure that employees or volunteers issued with a Negative Notice do not undertake child-related work as defined by the Working with Children Act 2005.

As an employer or volunteer organisation you should:

- record your employee's and volunteer's unique Application Receipt Number received when they submit their application. The Act enables a person to continue or commence work while their application is pending
- confirm that your employees and volunteers have been issued with an Assessment Notice after Check applications have been assessed by the Department of Justice
- sight your employee's or volunteer's Working with Children Check Card and confirm the status of their Card Number to verify that they have passed the Check. You can do this online or by calling 1300 652 872
- record your employee's or volunteer's Card Number, which is different from their Application Receipt Number
- develop internal processes in the event of an existing employee or volunteer being issued with an Interim Negative Notice or Negative Notice.

Attachment B3: MEMBER PROTECTION DECLARATION

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

I (Name) of
 (Address) born/...../.....
 Sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for offences involving sexual activity, acts of indecency, child abuse or child.
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 been sanctioned for an anti-doping rule violation under any anti doping policy applicable to 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 Bowls Victoria may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the MPIO of Bowls Victoria 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

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:

Attachment B4: NEW SOUTH WALES REQUIREMENTS TO CHECK PEOPLE WORKING WITH CHILDREN

Refer to the NSW Commission for Children and Young People website: www.kids.nsw.gov.au or contact 02 9286 7219 to ensure you have up to date information.

All NSW clubs and associations who engage/employ people in child-related activities (in a paid or voluntary capacity) must meet the requirements of the Working With Children Check. This is a legal requirement. Interstate clubs and organisations that visit NSW and engage/employ people in child-related activities (in a paid or voluntary capacity) may also be required to complete a Working with Children Check with the NSW Commission for Children and Young People. We are required to:

Register with the NSW Department of Sport and Recreation Employment Screening Unit;
Identify positions (paid and voluntary) which are **child-related positions**;
Obtain a Prohibited Employment Declaration (PED) from all existing employees in child-related positions. PED forms can be downloaded from www.kids.nsw.gov.au/check/resources.html. If the person is a **prohibited person** we must remove him/her from the child-related employment;
Keep the PED in a secure place for as long as the person is employed;
Ask preferred applicants for paid child-related positions to sign a Consent Form for a background check;
Include advice about the Working With Children Check in information being provided about child-related positions (e.g. coach of junior team);
Request a background check for preferred applicants for paid child-related employment before they start work;
Decide whether to offer the applicant the position, taking into account the result of the Working With Children Check and any other information we have available;
Where it is not practical to complete the background check prior to employment commencing, we must still complete the check as soon as possible. We must advise employees that their ongoing employment is conditional upon the satisfactory outcome of the check;
Notify the NSW Commission for Children and Young People of any person whose application for child-related employment has been rejected primarily because of a risk assessment in the Working With Children Check. We must do this even if we offer the person an alternative position;
Advise the person if their application was rejected primarily because of an adverse risk assessment in the Working With Children Check;
Notify the NSW Commission for Children and Young People of any person against whom **relevant employment proceedings** have been completed; and
Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process.

Child-related employment is any work (paid or unpaid) that involves direct and unsupervised contact with children in several types of areas such as sporting and recreation clubs and associations that have a significant child membership or involvement.

Employment includes work done:

under a contract of employment;
as a sub-contractor;
as a volunteer for an organisation;
as a minister of religion (whether or not ordained); and
undertaking practical training as part of an educational or vocational course

Prohibited person is a person convicted of committing a serious sex offence or is a registrable person.

Registrable person is someone who has been found guilty of the following offences against children:
murder
sexual offences
indecent offences
kidnapping
child prostitution
child pornography

Relevant employment proceedings are disciplinary proceedings completed in NSW, or elsewhere, where an employer or professional body that supervises the conduct of the employee has found that **'reportable conduct'** or an act of violence occurred, or there is some evidence that it occurred. An act of violence will be relevant only if it was committed by an employee in the course of employment and in the presence of a child.

Reportable conduct is:
any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence);
any assault, ill treatment or neglect of a child; or
any behaviour that causes psychological harm to a child.

PART C: PROCEDURES

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures, Bowls Victoria will follow and implement the following procedures:

- C1 Complaints Procedure
- C2 Mediation Procedure
- C3 Investigation Procedure
- C4 Investigation Procedure for allegations of child abuse
- C5 Hearings and Appeals Tribunal Procedure
- C6 Disciplinary Measures

Attachment C1: COMPLAINTS 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, *Bowls Victoria 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 Membership Protection Officer* considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred Bowls Victoria for appropriate action 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 one of Bowls Victoria *Member Protection Information Officers (MPIOs)* who will assist you.

The *MPIO* will:

- take notes about your complaint (which 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 *MPIO*, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such as a *MPIO*); 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, Bowls Victoria 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 Bowls Victoria 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 the Development Manager or MPIO or;
- approach a relevant external agency such as an equal opportunity commission, for advice.

Step 5

If you decide to make a formal complaint in writing under Step 4, the Development Manager or the MPIO 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 Bowls Victoria. In these cases, the Development Manager or MPIO 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 Development Manager or MPIO 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 *Development Manager or MPIO* 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 C6, 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 *Development Manager or MPIO* 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

- C6, 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 C2 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 C5;
 - the complaint is referred to the police or other appropriate authority under **Step 5**, Bowls Victoria 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**, Bowls Victoria 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 panel) are to be met by Bowls Victoria 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 Bowls Victoria's Chief Executive 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 CO's:
 - not to take any action; or
 - to take disciplinary action; or
- under **Step 6**, a decision was made by Bowls Victoria hearing panel:
 - 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 [C5].

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 *Bowls Victoria*, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

Step 8

The Executive Officers or Development 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 MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

Attachment C2: 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 *Bowls Victoria*

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 *Development Manager or, MPIO* on their own; *and*
 - b. *The Development Manager or MPIO* 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 *Development Manager or MPIO* will, under the direction of Bowls Victoria and in consultation with the complainant and the respondent(s), arrange for a mediator to mediate the complaint.
5. The *Development Manager or MPIO* will notify the respondent(s) that a formal complaint has been made, provide them with details of the complaint and notify them that Bowls Victoria 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 *Bowls Victoria's Chief Executive* to request that the *CO* reconsiders the complaint in accordance with **Step 5**; *or*
 - b. Approach an external agency such as an anti-discrimination commission.

Attachment C3: 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 Bowls Victoria
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
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 *[C5]*.

More detailed information on conducting internal investigations can be found at www.ausport.gov.au/ethics/policy.asp

Attachment C4: 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. 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 to the Development Manager or MPIO
- 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 relevant State or Territory authority 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 Development Manager or MPIO, should assess the risks and take interim action to ensure the child's/children's safety. Some options that Bowls Victoria 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 MPIO's role to actually undertake action such as redeploying someone – an MPIO should only recommend possible actions.*
- The Development Manager or MPIO 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

- Seek advice from the police and relevant government agency as to whether Bowls Victoria should carry out its own internal investigation (in addition to or in conjunction with 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 *Bowls Victoria* 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.

Step 5 – Record and analyse all information

- If an internal investigation was conducted under **Step 4**, the investigator will provide a report to Bowls Victoria

- The decision-maker(s) will be the Hearing panel of Bowls Australia and will remain separate and at arm's length from the investigator.
- Bowls Victoria *hearing panel* 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 [C6] of the policy.
- Implement any disciplinary decision recommended by Bowls Victoria hearing panel. 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).

Retain the original in a secure place and forward a copy to the CEO of Bowls Australia.

Attachment C5: HEARINGS & APPEALS TRIBUNAL PROCEDURE

The Procedures set out in the Bowls Victoria Constitution shall apply to all hearings in relation to any complaint made pursuant to this Policy.

Attachment C6: DISCIPLINARY MEASURES

Any disciplinary measure imposed by *the hearings panel* 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 Bowls Victoria *hearings panel* to impose the disciplinary measure.

Individual

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

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, placing, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Bowls Victoria;
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;
 - Recommend that Bowls Victoria terminate the individual's membership, appointment or engagement;
8. In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
9. Any other form of discipline that *the designated person/committee* 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 Bowls Victoria *member or affiliated organisation* has breached Bowls Victoria's *Member Protection Policy*, including the Codes of Conduct, one or more of the following forms of discipline may be imposed by *an 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.

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 D: ROLE-SPECIFIC CODES OF CONDUCT

Attachment D1: General Codes of Conduct

Attachment D2: Code of Conduct (includes Directors, Officers or Employees)

Attachment D3: Coaches Code of Conduct

Attachment D4: Officials Code of Conduct

Attachment D5: Player Code of Conduct

Attachment D6: Parent/Guardian Code of Conduct

Attachment D7: Spectator Code of Conduct

Attachment D1: GENERAL CODE OF CONDUCT

A Member of Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club or a person required to comply with Bowls Victoria Member Protection Policy, must meet the following requirements in regard to their conduct during any activity held or sanctioned by Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club and in any role they hold within Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club:

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, Bowls Victoria standards, rules, regulations and policies.
6. Operate within the rules of the sport including national and international guidelines which govern Bowls Victoria, the Member Clubs, Groups, Districts, Associations and Affiliated Clubs.
7. Do not use your involvement with Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club to promote your own beliefs, behaviours or practices where these are inconsistent with those of Bowls Victoria.
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 Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club into disrepute.
12. Provide a safe environment for the conduct of the activity.
13. Show concern and caution towards others who may be sick or injured.
14. Be a positive role model.

15. Understand the repercussions if you breach, or are aware of any breaches of, this Code of Conduct.

Attachment D2: ADMINISTRATOR CODE OF CONDUCT
(Includes Directors, Officers or Employees)

In addition to Bowls Victoria's General Code of Conduct, a Member must meet the following requirements in regard to their conduct during any activity held by or under the auspices of Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club and in their role as an administrator of Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club:

1. Agree to abide by the Code of Conduct
2. Be fair, considerate and honest with others
3. Operate within the rules of Bowls Victoria
4. Be professional in their actions, language, presentation, manner and punctuality in order to reflect high standards
5. Maintain confidentiality in regards to sensitive and/or commercial information
6. Resolve conflicts fairly and promptly through established procedures
7. Maintain strict impartiality in matters relating to the Member Protection Policy
8. Maintain a safe environment for others
9. Show concern and caution towards others
10. Be a positive role model for others.

Attachment D3: COACHES CODE OF CONDUCT

In addition to Bowls Victoria's General Code of Conduct, a member must meet the following requirements in regard to their conduct during any activity held or sanctioned by Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club and in their role as a coach appointed by Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club:

1. Do not tolerate acts of aggression.
2. Provide feedback to players and other participants in a manner sensitive to their needs. Avoid overly negative feedback.
3. Recognise players' rights to consult with other coaches and advisers. Cooperate fully with other specialists (for example, sports scientists, doctors and physiotherapists).
4. Treat all players fairly within the context of their sporting activities, regardless of gender, race, and place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socioeconomic status and other conditions.
5. Encourage and facilitate players' independence and responsibility for their own behaviour, performance, decisions and actions.
6. Involve the players in decisions that affect them.
7. Encourage players to respect one another and to expect respect for their worth as individuals regardless of their level of play.
8. Ensure that the tasks and/or training set are suitable for age, experience, ability, and physical and psychological conditions of the players.
9. Ensure any physical contact with players is appropriate to the situation and necessary for the player's skill development.
10. Be acutely aware of the power that you as a coach develop with your players in the coaching relationship and avoid any sexual intimacy with players that could develop as a result.
11. Avoid situations with your players that could be construed as compromising.
12. Actively discourage the use of performance enhancing drugs, and the use of alcohol, tobacco and illegal substances.

13. Do not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of your players.

14. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.

15. Know and abide by rules, regulations and standards, and encourage players to do likewise. Accept both the letter and the spirit of the rules.

16. Be honest and ensure that qualifications are not misrepresented.

Attachment D4: OFFICIALS CODE OF CONDUCT

In addition Bowls Victoria's General Code of Conduct, a Member must meet the following requirements in regard to their conduct during any activity held or sanctioned by Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club and in their role as an official appointed by Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club:

1. Compliment and encourage all participants
2. Be consistent, objective and courteous when making decisions
3. Condemn unsporting behaviour and promote respect for all opponents
4. Emphasise the spirit of competition rather than the errors
5. Encourage and promote rule changes, which will make participation more enjoyable
6. Be a good sport yourself. Actions speak louder than words
7. Keep up to date with the latest trends in officiating
8. Remember, you set an example. Your behaviour and comments should be positive and supportive
9. Place the safety and welfare of the participants above all else
10. Give all people a 'fair go' regardless of their gender, ability, cultural background or religion.

Attachment D5: PLAYER CODE OF CONDUCT

In addition to Bowls Victoria's General Code of Conduct, a Member must meet the following requirements in regard to their conduct during any activity held or sanctioned by Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club and in their role as a player/participant in any activity held by or under the auspices of the Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club:

1. Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
2. Do not tolerate acts of aggression.
3. Respect the talent, potential and development of fellow players 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.
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. Work equally hard for yourself and your team.
11. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level. Hit the green, Jack and be bowled over!!

Attachment D6: PARENT/GUARDIAN CODE OF CONDUCT

A parent/guardian of a player/participant in any activity held by or under the auspices of Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club, must meet the following requirements in regard to their conduct during any such activity or event:

1. Respect the rights, dignity and worth of others
2. Remember that players participate in sport for their own enjoyment, not yours
3. Focus on the player's efforts and performance rather than winning or losing
4. Never ridicule or yell at players for making a mistake or losing a competition
5. Show appreciation for good performance and skilful plays by all players (including opposing players)
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 promote these to others
8. Do not physically or verbally abuse or harass anyone associated with the sport (player, coach, umpire and so on).
9. Respect the rights, dignity and worth of every 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 Conduct.

Attachment D7: SPECTATOR CODE OF CONDUCT

A spectator in any activity held by or under the auspices of Bowls Victoria, a Member Club, Group, District, Association or an Affiliated Club, must meet the following requirements in regard to their conduct during any such activity or event:

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

PART E: REPORTING DOCUMENTS/FORMS

To assist in consistency and accuracy in following procedure and reporting on the issues covered by Bowls Victoria Member Protection Policy the following documents are to be used:

- E1 Confidential Record of informal complaint – **to be used by MPIOs or others who receive a complaint or allegation**
- E2 Confidential Record of Formal Complaint – **to be used when a formal complaint is received by Bowls Victoria**
- E3 Confidential Record of Child Abuse Allegation – **to be used by MPIOs or others who receive complaints/allegations of child abuse**
- E4 Record of Mediation – **to be used by those who conduct a mediation**
- E5 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 (completing this may help to separate emotional content from facts)</p>	
<p>What they want to happen to fix issue</p>	
<p>What information was provided to complainant</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 club and a record is to be kept by Bowls Victoria

Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Role/status in <i>bowls</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.....
Name of person complained about	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status in <i>bowls</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
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Pregnancy <input type="checkbox"/> Disability <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other	<input type="checkbox"/> Discrimination <input type="checkbox"/> Selection dispute <input type="checkbox"/> Personality clash <input type="checkbox"/> Bullying <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Physical abuse <input type="checkbox"/> Victimisation

Methods (if any) of attempted informal resolution	
Support person (if any)	
Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal: Decision - Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement - Any other action taken -	
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 at Bowls Victoria Signature: / /
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 the club/state/district level (whatever level the complaint was made).

Attachment E3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in attachment C4 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 bowls		
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 bowls	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police contacted	Who: When: Advice provided:	

Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position at Bowls Victoria Signature: / /
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.

Attachment E4: 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)	

This record and any notes must be kept in a confidential place

Attachment E5: RECORD OF TRIBUNAL DECISION

Complainant's Name		Date Formal Complaint Received: / /
Role/status in bowls	<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
Name of person complained about		
Role/status in bowls	<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
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"/> Sexual/sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Pregnancy <input type="checkbox"/> Disability <input type="checkbox"/> Child Abuse <input type="checkbox"/> 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 at Bowls Victoria Signature: / /
Signed by:	Complainant Respondent