

ICE SKATING QUEENSLAND INC



MEMBER PROTECTION POLICY, ISQ BY-LAW No. 1 Version 4 Dated 17 November 2010

PREFACE.....	3
PART A: THE POLICY	4
1. Introduction.....	4
2. Purpose of this policy	4
3. Who this Policy Applies To	5
4. Code Of Conduct.....	5
5. Organisational Responsibilities	5
6. Individual Responsibilities	6
7. Policy Position Statements	6
PART B: ISQ CODES OF BEHAVIOUR	15
Attachment B1: Athletes Code of Conduct	16
Attachment B2: Coaches Code of Conduct.....	17
Attachment B3: Officials Code of Conduct	18
Attachment B4: Administrators Code of Conduct	19
Attachment B5: Parents Code of Conduct	20
Attachment B6: Spectators Code of Conduct.....	21
Attachment B7: Media Code of Conduct	22
PART C: ICE SKATING QUEENSLAND’S CHILD PROTECTION REQUIREMENTS	23
Attachment C1: Queensland Child Protection Requirements	24
Attachment C2: Member Protection Declaration	26
PART D: COMPLAINT HANDLING PROCEDURES	27
Attachment D1: Complaints Handling Procedure.....	28
Attachment D2: Mediation	31
Attachment D3: Investigation Process	32
Attachment D4: Investigation Procedure – Child Abuse	33
Attachment D5: Hearings and Appeals Tribunal Procedure	36
Attachment D6: Disciplinary Measures	40
Attachment D7: Convening a Tribunal	42
PART E: ISQ REPORTING DOCUMENTS/FORMS	43
Attachment E1: ISQ Confidential Record of Informal Complaint.....	44
Attachment E2: ISQ Confidential Record of Formal Complaint	46
Attachment E3: ISQ Confidential Record of Child Abuse Allegation.....	49
Attachment E4: ISQ Record of Mediation	51
Attachment E5: ISQ Record of Tribunal Decision	52
Attachment E5: ISQ Record of Tribunal Decision	52
Attachment E6: ISQ Blue Card Register	54

REVIEW HISTORY OF ISQ MEMBER PROTECTION POLICY

Version	Date reviewed	Date endorsed	Content reviewed/purpose
1	5 November 2007	November 2007	Original
2	12 November 2008	20 November 2008	Annual review
3	22 September 2009	15 October 2009	Updated Part A to include, 6.2 Images of children & 6.3 Reference to cyber bullying. Generally clarified wording & moved Codes of behaviour.
4	15 November 2010	17 November 2010	Reviewed against CCYCPG policy updates.
5			
6			

This document must be reviewed at least annually.

PREFACE

Message from the President, Ice Skating Queensland

Ice Skating Queensland is committed to providing a safe and positive sporting environment for all individuals who participate in our sport, particularly our children and young people.

This Member Protection Policy in conjunction with our National Policy aims to ensure adherence to ISQ's basic core values, built upon a foundation of, integrity, trust, safety, tolerance, sportsmanship and positive attitudes. It will assist us in ensuring that every person involved in our sport is treated with dignity, respect, fairness and honesty, free from any form of abuse.

The Policy provides the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from Ice Skating & Sport in general.

Our Policy provides codes of conduct and behaviour that form the basis of appropriate and ethical conduct which everyone must abide by and conversely, provides sanctions for those who would interfere in the lives of our children, young people, members and others in our sport.

As a function of this commitment, ISQ will take disciplinary action against any person or organisation bound by this Policy should they breach it.

This Policy is an essential part of our proactive and preventive approach to inappropriate behaviour within our Sport and our Rinks and I ask that all parties commit to support of our policy and our core values.

**Mr Don Nicholls,
President, Ice Skating Queensland
September 2009**

PART A: THE POLICY

1. INTRODUCTION

ISQ's Core Values

Our Vision

To provide all Figure Skaters & Members with the opportunity to reach their full potential, whilst providing a safe and secure environment for our children, our young people and our members.

Our Purpose

To work collaboratively with the ISA, with our Coaches and with our Clubs to ensure that we develop our athletes to their highest level, regardless of age, ability or cultural background where they so desire.

Our Values

We will:

- be an athlete-focussed organisation.
- work in partnership with the ISA to provide our elite athletes with appropriate support to achieve good national and international results.
- work in partnership with our skaters and coaches to provide appropriate support to our emerging athletes as they develop along the Figure Skating pathway.
- recognise the importance of our children, members, employees, volunteers and customers and to the provision of safe and enjoyable facilities and experiences for all.
- achieve this through adherence to and reliance upon a foundation of core values built upon, integrity, honesty, safety, trust, respect, discipline, ethics, tolerance, excellence, fairness, participation, sportsmanship and a non discriminatory approach in all of our dealings.
- provide leadership in key areas to our clubs, to ensure sound management and strong sport development across Queensland.
- be open and transparent.

2. PURPOSE OF THIS POLICY

This Ice Skating Queensland Member Protection Policy (policy) aims to maintain ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in our sport from the basic levels through to the national level of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

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

This policy has been endorsed by the ISQ Management Council and has been incorporated into our By-Laws as the Ice Skating Queensland Member Protection Policy. The policy replaces the ISQ Policy dated November 2008 and is effective from 15th day of October 2009 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the ISQ website at, www.isq.org.au

[This document is to be read in conjunction with the Ice Skating Australia Member Protection Policy which can be found at, www.isa.org.au.]

Federal and Queensland Legislation always remain the minimum requirement when read in conjunction with this policy.

3. WHO THIS POLICY APPLIES TO

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

- Individuals sitting on boards, committees and sub-committees;
- Employees, subcontractors and volunteers;
- Support personnel including but not limited to managers, physiotherapists, psychologists, masseurs, sport trainers, paramedics
- Coaches and assistant coaches;
- Skaters and players;
- Judges, Referees, Accountants and other Technical Officials;
- Members, including life members;
- ISQ Inc as an association;
- Affiliated clubs and associated organisations including other ice sports in their dealings with ISQ and its members;
- Peak associations and the national body, with respect to their dealings in and with Queensland;
- Parents, guardians, spectators and sponsors to the full extent that is possible;
- This policy will continue to apply to a person, relating to an allegation of child abuse against that person regardless of when the allegation is made or if disciplinary action has commenced, even after they have stopped their association or employment with ISQ.

4. CODE OF CONDUCT

ISQ requires every individual and organisation bound by this policy to:

- Be ethical, fair and honest in all their dealings with other people and ISQ;
- Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- Always place the safety and welfare of children above other considerations;
- Comply with ISQ's constitution, rules and policies including this member protection policy;
- Operate within the rules and spirit of the sport;
- Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- Be responsible and accountable for their conduct; and
- Abide by the relevant Role-Specific Codes of Conduct outlined in Part D of this policy.

5. ORGANISATIONAL RESPONSIBILITIES

The ISQ and its affiliated Qld associations & clubs must:

- Adopt, implement and comply with this policy;
- Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- Promote appropriate standards of conduct at all times;
- Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- Apply this policy consistently without fear or favour;
- Recognise and enforce any penalty imposed under this policy or the policy of the ISA Inc.;
- Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies
- Appoint or have access to appropriately trained people to receive and handle complaints and allegations, Member Protection Information Officers (MPIO's) and/or Complaint Managers and display the names and contact details in a way that is readily accessible; and
- Monitor and review this policy at least annually.

6. INDIVIDUAL RESPONSIBILITIES

6.1 Individuals bound by this policy are responsible for:

- 6.1.1 Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- 6.1.2 Acquiring a Queensland Working with Children Blue Card where necessary.
- 6.1.3 Placing the safety and welfare of children above other considerations.
- 6.1.4 Complying with all other requirements of this policy;
- 6.1.5 Co-operating in providing a discrimination free, child abuse free and harassment free sporting environment;
- 6.1.6 Being accountable for their behaviour;
- 6.1.7 Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour;
- 6.1.8 Complying with any decisions and/or disciplinary measures imposed under this policy. And
- 6.1.9 Understanding the possible consequences of breaching 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 ISQ acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of our juniors.
- 7.1.3 ISQ aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:
 - 7.1.3.1 Prohibiting any form of abuse against children;
 - 7.1.3.2 Providing opportunities for our juniors to contribute to and provide feedback on programs within our sport;
 - 7.1.3.3 Carefully selecting and screening people whose role requires them to have regular contact with children. (Screening procedures are outlined in PART C: ICE SKATING QUEENSLAND'S CHILD PROTECTION REQUIREMENTS of this policy);
 - 7.1.3.4 Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
 - 7.1.3.5 Providing procedures for raising concerns or complaints (our complaints procedure is outlined in PART C: ICE SKATING QUEENSLAND'S CHILD PROTECTION REQUIREMENTS of this policy); and
 - 7.1.3.6 Providing education and/or information to those involved in our sport on child abuse and child protection.
- 7.1.4 Queensland Law requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, report it immediately to the police or relevant government agency and ISQ MPIO.
- 7.1.5 Descriptions of the sorts of activity which may be abuse are in the dictionary.
- 7.1.6 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.
- 7.1.7 ISQ procedures for handling allegations of child abuse are outlined in D4: Investigation Procedure for allegations of Child abuse of this policy.
- 7.1.8 If anyone bound by this policy or otherwise, reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

7.2 TAKING IMAGES OF CHILDREN

- 7.2.1 Images of children can be used inappropriately or illegally. The ISQ requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.
- 7.2.2 If the ISQ uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.
- 7.2.3 We require our Members and their affiliated association members and clubs to do likewise.

7.3 Anti-Discrimination and Harassment Policy

- 7.3.1 ISQ aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or unlawful discrimination.
- 7.3.2 ISQ recognises that all those involved in its 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.
- 7.3.3 ISQ prohibits all forms of harassment and unlawful discrimination based on personal characteristics listed in the Dictionary.
- 7.3.4 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.
- 7.3.5 Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary.
- 7.3.6 If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in D1: Complaints Procedure of this policy, which will explain what to do about the behaviour and how the ISQ will deal with the problem.

7.4 Sexual Relationships Policy

- 7.4.1 The law is always the minimum standard for behaviour within ISQ, therefore sex in any form with a child is a criminal offence.
- 7.4.2 It is ISQ's position that sexual relationships between coaches, officials and the adult athletes that they coach or control be avoided.
- 7.4.3 ISQ 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.
- 7.4.4 Such relationships can tend to be intentionally or unintentionally exploitative because there is usually a disparity between the coach and the athlete in terms of authority, power, maturity, status and dependence.
- 7.4.5 ISQ'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.

- 7.4.6 Should a sexual relationship develop between an athlete and coach, ISQ 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.
- 7.4.7 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.
- 7.4.8 In the event that an athlete, particularly a junior one, attempts to initiate an intimate sexual relationship, the coach or official must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach or official may wish to approach the ISQ MPIO or complaints officer if they feel harassed.

7.5 Pregnancy Policy

- 7.5.1 ISQ is committed to providing an inclusive sporting environment for pregnant women involved in its activities.
- 7.5.2 ISQ expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them.
- 7.5.3 ISQ will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.
- 7.5.4 Descriptions of some of the types of behaviour which could be regarded as pregnancy discrimination or harassment are provided in the dictionary.
- 7.5.5 If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to D1: Complaints Procedure of this policy. This will explain what to do about the behaviour and how the ISQ will deal with the problem.
- 7.5.6 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.
- 7.5.7 ISQ 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 our sport.
- 7.5.8 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.
- 7.5.9 We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances.
- 7.5.10 We will never require women to undertake a pregnancy test.

7.6 Gender Identity Policy

- 7.6.1 ISQ is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate.
- 7.6.2 ISQ 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.
- 7.6.3 Descriptions of some of the types of behaviour which could be regarded as transgender or transsexual discrimination or harassment are provided in the dictionary.

- 7.6.4 If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to D1: Complaints Procedure of this policy. This will explain what to do about the behaviour and how the ISQ will deal with the problem.
- 7.6.5 ISQ 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 ISQ will facilitate transgender or transsexual persons participating in our sport of the sex with which they identify.
- 7.6.6 ISQ 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, ISQ will seek advice on the application of those laws in the particular circumstances.
- 7.6.7 ISQ 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 ISQ.
- 7.6.8 ISQ 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.

7.7 Other relevant policies

Other ISQ relevant policies can be found at www.isq.org.au. Some of the policies which contribute to the welfare of all those involved in our activities include:

- Privacy Policy
- Risk Management Policy
- Anti-Doping Policy
- Images of Children Policy

7.8 Complaints

- 7.8.1 ISQ aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice.
- 7.8.2 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 an organisation bound by the policy has breached the policy. A complaint should be reported to the ISQ MPIO.
- 7.8.3 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 ISQ MPIO considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.
- 7.8.4 All complaints will be dealt with confidentially, promptly, seriously and sensitively. Our complaint procedures are outlined in D1: Complaints Procedure of this policy.

7.9 Vexatious Complaints & Victimisation

- 7.9.1 ISQ aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation.
- 7.9.2 If at any point in the complaint process the MPIO considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the ISQ Complaints Officer/ISQ President for appropriate action which may include disciplinary action against the complainant.
- 7.9.3 ISQ will also take all necessary steps to ensure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out.
- 7.9.4 Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

7.10 Mediation

- 7.10.1 ISQ aims to sort out complaints with the minimum of fuss wherever possible.
- 7.10.2 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 may not negotiate on behalf of the complainant and/or respondent.
- 7.10.3 Mediation may occur either before or after an investigation of a complaint.
- 7.10.4 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 D2: Mediation Procedure of this policy.

7.11 Tribunals

- 7.11.1 A hearings tribunal may be formed to hear a formal complaint that has been referred by ISQ Complaints Officer/ISQ President for an alleged breach of the policy.
- 7.11.2 ISQ's tribunal hearings procedure is outlined in D5: Hearings and Appeals Tribunal Procedure of this policy.
- 7.11.3 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.
- 7.11.4 Our appeals process is outlined in D5: Hearings and Appeals Tribunal Procedure of this policy.
- 7.11.5 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.
- 7.11.6 Members of hearing and appeal tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal.

7.12 What is a Breach of this policy?

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

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

7.13 Forms of Discipline

- 7.13.1 If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed.
- 7.13.2 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.
- 7.13.3 More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is located at D6: Disciplinary Measures of this policy.

7.14 Dictionary

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words.

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

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

Affiliated club means, any club or association formed for the promotion of ice skating whether or not as the sole object of such club or association affiliated with ISQ in accordance with ISQ Constitution.

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 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, placing a child in a demeaning situation, position or group).

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 Attachment C1: Queensland Child Protection Requirements.

Complainant means the person making a complaint.

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 skater simply because of their age.

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

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

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

Gender Identity: A transgender skater is harassed when officials refuse to call her by her female name.

Homosexuality: An athlete is ostracised from her fellow skaters after she tells another skater that she is a lesbian.

Marital Status: An official is deliberately excluded from activities and social functions because they are single.

Pregnancy: A woman is dropped as an official when she becomes pregnant.

Race: An Italian official is not permitted to officiate at competitions with a high proportion of Italian skaters.

Sex: Specialist coaching is only offered to male coaches.

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.

Under this policy discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

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 skater if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a skater is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another skater who has made such a complaint.

Public acts of racial hatred which are reasonably likely in the circumstances to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public.

Junior means, for the purpose of this policy, a person under the age of eighteen (18) years who is participating in an activity of the ISQ.

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, Senior, Junior, Honorary, Associate and Social members of Ice Skating Queensland, as specified in the ISQ Constitution.

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 skaters, 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 pre-employment, pre-engagement or current employment background check on a person, as required by Australian State, Territory and/or Federal Law.

Policy and this policy mean this Member Protection Policy including all attachments.

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 detrimental 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 to 18 year age group.

PART B: ISQ CODES OF BEHAVIOUR

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

Regardless of the nature of a person's involvement in sport, The Essence of Australian Sport provides four guiding principles that lead to appropriate behaviour; Fairness, Respect, Responsibility and Safety.

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

Code of Behaviour for anyone involved in sport:

- Operate within the rules and spirit of the sport, promoting fair play over winning at any cost;
- Encourage and support opportunities for people to learn appropriate behaviours and skills;
- Support opportunities for participation in all aspects of the sport;
- Treat each person as an individual;
- Display control and courtesy to all involved with sport;
- Respect the rights and worth of every person regardless of their gender, ability, cultural background or religion;
- Respect the decisions of officials, coaches and administrators in the conduct of the sport;
- Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist) with people under the age of 18 years;
- Adopt appropriate and responsible behaviour in all interactions;
- Adopt responsible behaviour in relation to alcohol and other drugs;
- Act with integrity and objectivity, and accept responsibility for your decisions and actions;
- Ensure your decisions and actions contribute to a safe environment;
- Ensure your decisions and actions contribute to a harassment free environment;
- Do not tolerate harmful or abusive behaviours.

ATTACHMENT B1: ATHLETES CODE OF CONDUCT

- Give your best at all times;
- Participate for your own enjoyment and benefit;
- Play by the rules;
- Never argue with an official. If you disagree have your coach approach the official after the competition;
- Control your temper. Verbal abuses of officials, sledging other players or deliberately distracting or provoking an opponent are not acceptable or permitted behaviours in any sport.
- Work equally hard for yourself and/or your team. Your team's performance will benefit and so will you.
- Be a good sport. Applaud all good skating.
- Treat all participants in your sport as you like to be treated. Do not bully or take unfair advantage of another competitor.
- Cooperate with your coach, team-mates and opponents. Without them, there would be no competition.
- Participate for your own enjoyment and benefit, not just to please your parents and coaches.
- Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.

ATTACHMENT B2: COACHES CODE OF CONDUCT

- Place the safety and welfare of the athletes above all else;
- Help each person (athlete, official, etc) reach their potential – respect the talent, development stage and goals of each person and compliment and encourage with positive and supportive feedback;
- Any physical contact with a person should be appropriate to the situation and necessary for the person's skill development;
- Be honest and do not allow your qualifications to be misrepresented.
- Remember that young people participate for pleasure, and winning is only part of the fun.
- Never ridicule or yell at a young athlete for making a mistake or not coming first.
- Be reasonable in your demands on athletes' time, energy and enthusiasm.
- Operate within the rules and spirit of the sport and teach the athletes to do the same.
- Avoid over using and favouring the talented athletes in teams and in practice, the "just average" need and deserve equal time.
- Ensure that the time the athletes spend with you is a positive experience. All young people are deserving of equal attention and opportunities.
- Ensure that equipment and facilities meet safety standards and are appropriate to the age and ability of all athletes.
- Display control, respect and professionalism to all involved with the sport. This includes opponents, coaches, officials, administrators, the media, parents and spectators. Encourage athletes to do the same.
- Show concern and caution toward sick and injured athletes. Follow the advice of a physician when determining whether an injured athlete is ready to recommence training or competition.
- Obtain appropriate qualifications and keep up to date with the latest coaching practices and the principles of growth and development of young people.
- Any physical contact with a young person should be appropriate to the situation and necessary for the athletes' skill development.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

ATTACHMENT B3: OFFICIALS CODE OF CONDUCT

- Place the safety and welfare of the athletes above all else;
- Be consistent and impartial when making decisions;
- Address unsporting behaviour and promote respect for all people.
- Modify the rules and regulations to match the skill levels and needs of young people.
- Compliment and encourage all participants.
- Be consistent, objective and courteous when making decisions.
- Condemn unsporting behaviour and promote respect for all opponents.
- Emphasise the spirit of the competition rather than the errors.
- Encourage and promote rule changes that will make participation more enjoyable.
- Be a good sport yourself. Actions speak louder than words.
- Keep up to date with the latest trends in officiating and the principles of growth and development of young people.
- Remember, you set an example. Your behaviour and comments should be positive and supportive.
- Place the safety and welfare of the participants above all else.
- Give all young people a 'fair go' regardless of their gender, ability, cultural background or religion.

ATTACHMENT B4: ADMINISTRATORS CODE OF CONDUCT

- Act honestly, in good faith and in the best interests of the sport as a whole;
- Ensure that any information acquired or advantage gained from the position is not used improperly;
- Conduct your responsibilities with due care, competence and diligence;
- Do not allow prejudice, conflict of interest or bias affect your objectivity;
- Involve young people in planning, leadership, evaluation and decision-making related to the activity.
- Give all young people equal opportunities to participate.
- Create pathways for young people to participate in sport, not just as an athlete, but as a coach, judge, administrator, etc.
- Ensure that rules, equipment, and training schedules are modified to suit the age, ability and maturity level of young players.
- Provide quality supervision and instruction for young athletes.
- Remember that young people participate for their enjoyment and benefit. Do not overemphasise awards.
- Help coaches and officials highlight appropriate behaviour and skill development, and help improve the standards of coaching and officiating.
- Ensure that everyone involved in junior sport emphasis fair play, rather than winning at all costs.
- Give a code of behaviour sheet to spectators, officials, parents, coaches, athletes and the media and encourage them to follow it.
- Remember, you set an example. Your behaviour and comments should be positive and supportive.
- Support implementation of the National Junior Sport Policy.
- Make it clear that abusing young people in any way is unacceptable and will result in disciplinary action.

Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

ATTACHMENT B5: PARENTS CODE OF CONDUCT

- Encourage children to participate and have fun;
- Focus on the child's effort and performance rather than winning or losing;
- Never ridicule or yell at a child for making a mistake or losing a competition.
- Remember that children participate in sport for their enjoyment, not yours.
- Encourage children to participate, do not force them.
- Focus on your child's efforts and performance rather than whether they win or lose.
- Encourage children to play according to the rules and to settle disagreements without resorting to hostility or violence.
- Remember that children learn best by example. Appreciate good performance and skilful moves by all participants.
- Support all efforts to remove verbal and physical abuse from sporting activities.
- Respect officials' decisions and teach children to do likewise.
- Show appreciation for volunteer officials and administrators. Without them your child could not participate.

Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

ATTACHMENT B6: SPECTATORS CODE OF CONDUCT

- Respect the performance and efforts of all people;
- Reject the use of violence in any form, whether it is by spectators, coaches, officials or athletes.
- Remember that young people participate in sport for their enjoyment and benefits, not yours.
- Applaud good performances and efforts from all individuals and teams. Congratulate all participants on their performance, regardless of the competition's outcome.
- Respect the decision of officials and teach young people to do the same.
- Never ridicule or scold a young athlete for making a mistake. Positive comments are motivational.
- Condemn the use of violence in any form, whether it is by spectators, coaches, officials or athletes.
- Encourage athletes to follow the rules and the officials' decisions.
- Do not use foul language, sledge or harass athletes, coaches or officials.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

ATTACHMENT B7: MEDIA CODE OF CONDUCT

- Provide coverage of young people's competitive and non-competitive sport as well as reporting adult sport.
- Be aware of the difference among adult sport, professional sport and modified sports programs for young people.
- Do not highlight isolated incidents of inappropriate sporting behaviour.
- Focus on a young athlete's fair play and honest effort.
- Do not place unfair expectations on young people. They are not miniature professionals.
- Describe and report on the young people participating in organised sport.
- Focus on the abilities and not the disabilities of young people.
- Familiarise yourself with the National Junior Sport Policy.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.

Acknowledgement:

With thanks to Australian Sports Commission 2007 for Originating Source Material.

PART C: ICE SKATING QUEENSLAND'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, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

In Queensland child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation. We will add new requirements or any amendments to existing requirements to ISQ's Member Protection Policy as they are introduced.

Please be aware that state and territory child protection requirements may apply to individuals and organisations originating outside of the states with the legislation in place. For example, if one of our state associations or affiliated clubs takes junior skaters into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with the NSW legislative requirements.

Please note that the state specific child protection requirements apply despite the existence or absence of our ISQ Inc Member Protection Policy

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

Provide opportunities for juniors to contribute to and provide feedback on program development;

Provide education and/or information on child abuse and child protection to those involved in our sport such as coaches, juniors, parents and officials; and

Where applicable meet the requirements outlined in:

Attachment C1: Queensland Child Protection Requirements

Attachment C2: Member Protection Declaration

ATTACHMENT C1: QUEENSLAND CHILD PROTECTION REQUIREMENTS

This information is subject to change at any time. Refer to the Queensland Commission for Children and Young People and Child Guardian's (Commission) website: www.bluecard.qld.gov.au or contact 1800 113611 if you have any queries about your obligations under this legislation. This information was updated on 1 November 2007 and is provided as a guide only.

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

When a person applies for a blue card the Commission conducts a Working with Children Check which is an assessment of a person's eligibility to work with children based on their criminal history, certain disciplinary information (if any) and investigative information (if any) held by the police commissioner. If a person is eligible for a blue card, the Commission issues a positive notice letter and a blue card which remains current for a period of 2 years.

ISQ Inc has resolved that all persons undertaking any paid work that involves regular contact with people under the age of 18 years, irrespective of regulations or exemptions shall be the holder of a Working with Children Positive Blue Card Notice.

Any persons undertaking voluntary work that involves regular contact with people under the age of 18 years, irrespective of regulations or exemptions shall be the holder of a Volunteer Positive Blue Card Notice.

Except that Parents of Children within the sport who would normally be exempted from the requirement to hold a Blue Card shall complete Attachment B2 Member Protection Declaration

Association/club requirements

Ice Skating Queensland Inc (ISQ) and affiliated clubs are responsible for applying for a blue card on behalf of their paid employees and volunteers where the nature of their work falls under one of the categories regulated by the Act.

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

People carrying on a regulated business are responsible for applying for a blue card if the activities of the business are regulated under one of the categories of the Act.

Relevant categories of employment regulated by the Act

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

Both paid employees and volunteers may need a blue card if they fall under one of the following categories:

- Schools – employees other than teachers and parents
- Churches, clubs and associations involving children
- Health, counselling and support services
- Private teaching, coaching or tutoring
- Education programs conducted outside of schools
- Child accommodation services, including home stays
- Sport and active recreation

Paid Employees

Paid Employees of ISQ, require a blue card regardless of whether they are exempt.

Once a blue card application has been lodged, a paid employee can commence or continue to work in regulated employment with ISQ while waiting for the outcome of their blue card application.

Volunteers

Volunteers of ISQ must have a valid blue card **before** they start volunteering unless exempt. If exempt then the individuals must sign Attachment C2: Member Protection Declaration.

Regulated business

A service or activity provided by a person may be considered to be a business irrespective of whether the service or activity is for profit or not for profit.

The service or activity must however fall within one of the categories of businesses regulated by the Commission's Act.

- Health, counselling and support services
- Private teaching, coaching and tutoring
- Education programs outside schools
- Child accommodation services, including home stays
- Providers of sport and active recreation activities

Exemptions

There are exemptions for certain individuals under some of the categories or regulated employment and business. The volunteer should check whether an exemption applies under each category of regulated employment or business that applies to them.

It is also important to note that an exemption under one category of regulated employment or regulated business does not automatically result in exemption from another category. The act provides that the exemptions are category specific, and are not transferable across categories of regulated employment or business.

Application forms

Blue card application forms for a paid employee, volunteer, or person carrying on a regulated business can be downloaded from www.bluecard.qld.gov.au.

Volunteer applications are processed free of charge; there is a \$60 (subject to change) processing fee for paid employees and business applications.

Change in criminal history

If ISQ knows or reasonably suspects that an employee who commenced employment prior to 1 May 2001 and therefore does not require a blue card, has a criminal history relevant to their work with children or young people, the ISQ can apply for a blue card for that person. In such a case, the relevant application form to submit is a 'current employee blue card application form'.

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

ATTACHMENT C2: MEMBER PROTECTION DECLARATION

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

I(name) of

.....(address)

Date of Birth/...../.....

Sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
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 the ISQ may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the President or Secretary of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses [1 to 6] above has changed for whatever reason.

Declared in Queensland

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:

PART D: COMPLAINT HANDLING 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, ISQ will follow and implement the following procedures:

D1: Complaints Procedure

D2: Mediation Procedure

D3: Investigation Procedure

D4: Investigation Procedure for allegations of Child abuse

D5: Hearings and Appeals Tribunal Procedure

D6: Disciplinary Measures

D7: Convening a Tribunal

ATTACHMENT D1: COMPLAINTS HANDLING PROCEDURE

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

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

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

INFORMAL APPROACHES

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

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

Step 2: Contact a Member Protection Information Officer or ISQ Complaints Officer or ISQ President, if:

- the first step is not possible/reasonable;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- the problem continues after you tried to approach the person or people involved.
- a list of our sport's MPIO's is available at www.ISQ.org.au

The MPIO or other ISQ Officer, will:

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

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

After talking with the MPIO, you may decide:

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

If you wish to remain anonymous, the ISQ can't assist you to resolve your complaint. We have to follow the principles of natural justice and be fair to both sides.

This means that you or the ISQ 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.

FORMAL APPROACHES

Step 4: Making a Formal complaint

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

- Make a formal complaint in writing to the ISQ Complaints Officer who until another suitable person is appointed shall be the ISQ President who has the authority to review and adjudicate on these matters. Or
- The ISQ Complaints Officer / ISQ President will assist you or you may personally approach a relevant external agency such as an anti-discrimination commission, for advice.

If you decide to make a formal complaint in writing, the ISQ Complaints Officer/ISQ President will, on receiving the formal complaint and based on the material you have provided, decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of the ISQ. In these cases, the ISQ Complaints Officer / ISQ President may determine that the complaint does not warrant a formal resolution procedure;
- to appoint a person to investigate (gather more information on) the complaint;
- to refer the complaint to an informal or formal mediation session;
- to refer the complaint to a 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, ISQ Complaints Officer / ISQ President 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 (e.g. an actual or perceived power imbalance between you and the respondent).
- the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the likelihood that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is underway.

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

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

Attachment D6: Disciplinary Measures, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

Step 5: Investigation of the complaint

A person appointed under Step 3 will conduct an investigation in accordance with attachment D3 and provide a written report to ISQ Complaints Officer / ISQ President who will determine what further action to take;

- If the complaint is referred to mediation, it will be conducted in accordance with Attachment D2 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with Attachment D5

If the complaint is referred to the police or other appropriate authority, ISQ will use its best endeavours to provide all reasonable assistance required by the police or other authority.

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

Step 6: Reconsideration of initial outcome/investigation or appeal

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

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

Step 7: Documenting the resolution

The ISQ Complaints Officer / ISQ President will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

EXTERNAL APPROACHES

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

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

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

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

ATTACHMENT D2: MEDIATION

Mediation is a process 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. This attachment outlines the general procedure of mediation that will be followed by ISQ.

1. If mediation is chosen, the MPIO or other designated person will, under the direction of the ISA and in consultation with the complainant and the respondent(s), arrange for a mediator.
2. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
3. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - 5.1. Write to ISA Complaints Officer or ISA President to request that the ISA Complaints Officer or ISA President reconsider the complaint in accordance with Step 3; or
 - 5.2. Approach an external agency such as an anti-discrimination commission.
6. Mediation will not be recommended if:
 - 6.1. The respondent has a completely different version of the events and will not deviate from these;
 - 6.2. The complainant or respondent are unwilling to attempt mediation;
 - 6.3. Due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or
 - 6.4. The matter involves proven serious allegations, regardless of the wishes of the Complainant.
7. If the formal complaint is not resolved by mediation, the complainant may:
 - 7.1. Write to ISQ Complaints Officer/ISQ President to request that the ISQ Complaints Officer/ISQ President reconsider the complaint in accordance with Step 3; or
 - 7.2. Approach an external agency such as an anti-discrimination commission.

ATTACHMENT D3: INVESTIGATION PROCESS

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

1. ISQ will provide a written brief to the investigator clarifying the terms of engagement and the roles and responsibilities. The investigator will;
 - 1.1. Interview the complainant and record the interview in writing.
 - 1.2. Convey full details to the respondent(s) so that they may respond.
 - 1.3. Interview the respondent to allow them to answer the complaint, and record the interview in writing.
 - 1.4. Obtain statements from witnesses and other relevant evidence to assist in a determination, if the facts are in dispute.
 - 1.5. Make a finding as to whether the complaint is:
 - 1.1.1. substantiated (there is sufficient evidence to support the complaint);
 - 1.1.2. inconclusive (there is insufficient evidence either way);
 - 1.1.3. unsubstantiated (there is sufficient evidence to show that the complaint is unfounded);
and/or
 - 1.1.4. Mischievous, vexatious or knowingly untrue.
 - 1.6 Provide a report to the ISQ Complaints Officer / ISQ President documenting the complaint, investigation process, evidence, and finding and, if requested, recommendations.
- 2.0 ISQ will be given 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).
 - 1.2. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser (e.g. ISQ MPIO or other person).
 - 1.3. 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 D5: Hearings and Appeals Tribunal Procedure.

ATTACHMENT D4: INVESTIGATION PROCEDURE – CHILD ABUSE

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

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

The following is a basic outline of the key processes to follow.

Step 1 - Clarify basic details of the allegation

Any complaints, concerns or allegations of child abuse should be made or referred to the ISQ 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:

- Ensure the child is safe;
- 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;
- 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 Queensland Government 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 MPIO should assess the risks and take interim action to ensure the child's/children's safety. Some options that the ISQ 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 ISQ Executive or such other authority shall arrange such appropriate action

The MPIO & ISQ Executive 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 the ISQ 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 ISQ 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 – Further clarify and investigate allegation**, the investigator will provide a report to ISQ Complaints Officer / ISQ President.

The decision-maker(s) will be ISQ Complaints Officer / ISQ President and will remain separate and at arm's length from the investigator.

The ISQ Complaints Officer / ISQ President 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 D6: Disciplinary Measures of the policy.

Implement any disciplinary decision recommended by the ISQ Complaints Officer / ISQ President. The action should be immediate.

Check with the relevant state government authority to see if you need to forward a report (e.g. the Queensland Commission for Children and Young People and Child Guardian requires notification of relevant employment proceedings).

Complete the report form in Attachment E3: ISQ Confidential Record of Child Abuse Allegation of this policy. Retain the original in a secure place and forward a copy to the ISQ Complaints Officer / ISQ President.

ATTACHMENT D5: HEARINGS AND APPEALS TRIBUNAL PROCEDURE

The following Tribunal Hearing Procedure will be followed by hearings tribunals established by the ISQ.

Tribunal Formation and Notification

1. A Tribunal Panel will be constituted following the rules outlined in D7: Convening a Tribunal, to hear a complaint that has been referred to it by ISQ Complaints Officer / ISQ President
2. The ISQ Complaints Officer / ISQ President will organise for a Tribunal to be convened by notifying all Tribunal Panel members that they are required to hear a complaint. The Tribunal Panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by ISQ Complaints Officer / ISQ President relating to the complaint/allegations.
3. The Tribunal Hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare to respond to the complaint.
4. The number of Tribunal Panel members required to be present throughout the Tribunal Hearing Process will be a minimum of three people.
 - 4.1. The Tribunal Panel will comprise at least one person who has knowledge, and preferably experience, of any relevant laws relating to the complaint (e.g. anti-harassment).
 - 4.2. If a member of the Tribunal Panel cannot continue once the Tribunal Hearing has commenced, and the minimum number required for the Tribunal Hearing is still maintained, the discontinuing member will not be replaced.
 - 4.3. If the specific or minimum number is not maintained, the discontinuing member may be replaced if it is considered appropriate by the Tribunal Chairperson. Factors to consider should include the circumstances of the complaint and the ability of the new Tribunal Panel member to be reasonably and impartially informed of the hearing evidence up until the time of their appointment. If the Tribunal Chairperson believes it is not appropriate for a new Tribunal Panel member to be appointed then the Tribunal will be rescheduled to a later date. The Tribunal Chairperson will inform the ISQ Complaints Officer / ISQ President of the need to reschedule, and the ISQ Complaints Officer / ISQ President will organise for the Tribunal Hearing, with a new Tribunal Panel to be reconvened.
5. The ISQ Complaints Officer / ISQ President will inform the respondent(s) by written notification that a tribunal hearing will take place. The written notification will outline:
 - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
 - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
 - The date, time and venue of the tribunal hearing;
 - That they can make either verbal or written submissions to the Tribunal;
 - That they may arrange for witnesses to attend the Tribunal in support of their position;
 - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
 - That legal representation will not be allowed. If the respondent is considered a minor, they should have a parent or guardian present.

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

The respondent(s) will be allowed to participate in all ISQ activities and events, pending the decision of the Tribunal, including any available appeal process, unless The ISQ Complaints Officer / ISQ President believes it is warranted to exclude the respondent(s) from all or some ISQ activities and events, after considering the nature of the complaint.
6. The ISQ Complaints Officer / ISQ President will inform the person making the complaint (complainant) by written notification that a tribunal hearing will take place. The written notification will outline:

That the person has a right to appear at the tribunal hearing to support their complaint;
Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
The date, time and venue of the tribunal hearing;
That they can make either verbal or written submissions to the Tribunal;
That they may arrange for witnesses to attend the Tribunal in support of their position; and
That legal representation will not be allowed. If complainant is considered a minor, they should have a parent or guardian present.

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

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

Tribunal Hearing Procedure

8. The following people will be allowed to attend the Tribunal Hearing:
 - The Tribunal Panel members;
 - The respondent(s);
 - The complainant;
 - Any witnesses called by the respondent;
 - Any witnesses called by the complainant;
 - Any parent / guardian or support person required to support the respondent or the complainant.
9. The Tribunal Chairperson will call the hearing to order at the designated time and determine if the respondent(s) is present.
10. If the respondent(s) is not present and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been carried out correctly.
11. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been carried out correctly, then the Tribunal Hearing will be rescheduled to a later date.
12. The Tribunal Chairperson will inform the ISQ Complaints Officer / ISQ President of the need to reschedule, and The ISQ Complaints Officer / ISQ President will organise for the Tribunal Hearing to be reconvened.
13. The Tribunal Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
14. If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures.
15. If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Brief notes may be referred to.
 - The complainant will be allowed to call witnesses.
 - The respondent(s) may be allowed to question the complainant and their witnesses.
16. The respondent(s) will then be asked to respond to the complaint.
 - Brief notes may be referred to.
 - The respondent will be allowed to call witnesses.

The complainant may be allowed to ask questions of the respondent and their witnesses.

17. Both the complainant and respondent will be allowed to be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the Tribunal Hearing until required.
18. The Tribunal will be allowed to:
 - Consider any evidence, and in any form, that it deems relevant.
 - Question any person giving evidence.
 - Limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them, but will not provide any new evidence.
19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
20. If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone allowed to be present, the Tribunal Chairperson shall have the power to stop any further involvement of the person in the Tribunal Hearing.
21. After all of the evidence has been presented the Tribunal Panel will make its decision in private. If the Tribunal believes the complaint has been substantiated on the balance of probabilities (i.e. more probable than not), the respondent will then be given an opportunity to address the Tribunal Panel and make a submission on any disciplinary measures that may be imposed. Only those disciplinary measures outlined in the ISQ's Constitution/Bylaws or Member Protection Policy will be considered. Any disciplinary measure imposed must be reasonable in the circumstances.
22. All decisions made by the Tribunal will be based on a majority vote.
23. The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed.
24. Within 48 hours, the Tribunal Chairperson will:
 - 24.1. Forward to The ISQ Complaints Officer / ISQ President a copy of the tribunal decision including any disciplinary measures imposed.
 - 24.2. Forward a letter to the respondent(s) reconfirming the Tribunal's decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal to be made.

Appeals Procedure

25. A complainant or a respondent(s) who is not satisfied with a decision described in Error! Reference source not found. of the Complaints Procedures can lodge one appeal to the ISQ on one or more of the following bases:
 - 25.1. That a denial of natural justice has occurred; or
 - 25.2. That the disciplinary measure(s) imposed is unjust and/or unreasonable.
26. A person wanting to appeal in accordance with paragraph 25 must lodge a letter stating their intention and the basis for their appeal with ISQ Secretary within 7 days of the relevant decision. An Appeal Fee of \$200 shall be included with the letter of intention to appeal.
27. If the letter of appeal is not received by the ISQ Secretary within the relevant time period the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal shall be deemed to be withdrawn.
28. Upon receipt of the letter of appeal, the ISQ Secretary must convene a special meeting of the ISQ Appeal Committee to review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed. The ISQ Appeal Committee will be able to invite any witnesses to the meeting it believes are required to make an informed decision.

29. If it is considered that the letter of appeal has not shown sufficient grounds for appeal in accordance with paragraph 25, then the appeal will not proceed and the person will be notified of this decision and the reasons for this decision. The appeal fee will be forfeited.
30. If the appeal is considered to have sufficient grounds to proceed then a Tribunal with a new panel will be convened to rehear the complaint, and the appeal fee will be refunded. The ISQ Complaints Officer / ISQ President shall follow the Tribunal Formation and Notification procedures outlined above. No person from the original Tribunal may act on the Appeal Tribunal.
31. The Tribunal Hearing Procedure shall be followed for the appeal.
32. The decision of the Appeal Tribunal will be final.

ATTACHMENT D6: DISCIPLINARY MEASURES

Any disciplinary measure imposed by The ISQ Complaints Officer / ISQ President under this policy must:

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

Individual

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

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, and achievements bestowed in any competitions, activities or events held or sanctioned by the ISQ.
5. A demotion or transfer of the individual to another location, role or activity
6. A suspension of the individual's membership or participation or engagement in a role or activity;
7. Termination of the individual's membership, appointment or engagement;
8. Recommend that the ISQ terminate the individual's membership, appointment or engagement;
9. In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
10. Any other form of discipline that The ISQ Complaints Officer / ISQ President or Tribunals 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 an ISQ affiliated organisation has breached the ISQ Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the ISQ Complaints Officer / ISQ President, Tribunals or the ISQ Council

1. A written warning;
2. A monetary fine;
3. A direction that any rights, privileges and benefits provided to the organisation by the ISQ or other peak association be suspended for a specified period;
4. A direction that any funding granted or given to it by the ISQ cease from a specified date;
5. A direction that the ISQ cease to sanction events held by or under the auspices of that organisation;
6. A direction its membership of the ISQ be suspended or terminated in accordance with the relevant constitution or rules; and/or
7. Any other form of discipline that the ISQ or ISA considers 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.

ATTACHMENT D7: CONVENING A TRIBUNAL

The ISQ Complaints Officer or ISQ President shall convene Complaints and Appeals Tribunals as necessary.

Establishment of Disciplinary Tribunal

This attachment should be read in conjunction with D5: Hearings and Appeals Tribunal Procedure.

The ISQ Council shall establish a Disciplinary Tribunal to deal with all disciplinary actions and matters under the ISQ Member Protection Policy where the ISQ Complaints Officer or ISQ President directs that the matter should be referred to a Tribunal.

The ISQ Council shall develop & maintain a register of suitable Disciplinary Tribunal members. The Tribunal Members may be drawn from and shared with other sporting organisations.

Tribunal Members must agree to confidentiality of the Tribunal deliberations, other than the published result. They must also agree to make no statements or remarks regarding Tribunal proceedings, before, during or after a Tribunal.

The ISQ Council may call for applications to the Disciplinary Tribunal Register.

Composition of Disciplinary Tribunal

A Disciplinary Tribunal of five (5) persons shall be convened by the ISQ Complaints Officer or ISQ President when required under the Member Protection Policy and shall be nominated to hear a particular complaint. Following nomination to a particular complaint, three (3) of those persons shall constitute a quorum. The five nominated members should make every effort to attend a Tribunal Hearing having accepted nomination to that particular Tribunal.

No family member of a person, party to the matters referred to a Disciplinary Tribunal shall act as a member of that particular Disciplinary Tribunal.

No member of an Affiliated Association, where the Affiliated Association is party to the matters referred to a Disciplinary Tribunal shall act as a member of that particular Disciplinary Tribunal.

No Tribunal Member may participate in an Appeals Tribunal where they or a family member acted on the Tribunal from which the Appeal matter originated.

The ISQ Council shall nominate suitable persons as chair, who in the opinion of the ISQ Council are competent in dealing with disciplinary matters of convened Tribunals. People with legal training would be suitable nominees for chair.

All Tribunal matters shall be resolved based on majority decisions.

PART E: ISQ REPORTING DOCUMENTS/FORMS

To assist in consistency and accuracy in following procedure and reporting on the issues covered by ISQ Member Protection Policy, the following documents are to be used by MPIO or others who receive a complaint or allegation

Attachment E2: ISQ Confidential Record of Formal Complaint

To be used when a formal complaint is received by ISQ

Attachment E3: ISQ Confidential Record of Child Abuse Allegation

To be used by MPIO or others who receive complaints/allegations of child abuse

Attachment E4: ISQ Record of Mediation

To be used by those who conduct mediation

Attachment E5: ISQ Record of Tribunal Decision

To be used to record the outcome of a tribunal decision

Attachment E6: ISQ Blue Card Register

To be maintained by the ISQ Sports Administration Officer for Volunteers

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 I provided</p>	
<p>What they are going to do now</p>	

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

ATTACHMENT E2: ISQ CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Complaint Received: / /
Role/status in ISQ	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status in ISQ	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee <input type="checkbox"/> Other <input type="checkbox"/> Official	
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"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute Sexuality <input type="checkbox"/> Personality clash Race <input type="checkbox"/> Bullying Religion <input type="checkbox"/> Verbal abuse Pregnancy <input type="checkbox"/> Physical abuse Disability <input type="checkbox"/> Victimisation Child Abuse Other	

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 in ISQ 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 higher level, the original must be forwarded to the higher level body and a copy kept at the Club or ISQ Office.

ATTACHMENT E3: ISQ CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in attachment D4 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 Complaint Received: / /	Formal Received:
Role/status in ISQ			
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 ISQ	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Skater/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee <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:
ISQ President contacted	Who: When:
Police and/or government investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position in ISQ 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: ISQ 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)	

The original must be forwarded to the higher level body and a copy kept at the Club or ISQ Office.

ATTACHMENT E5: ISQ RECORD OF TRIBUNAL DECISION

Complainant's Name		Date Complaint Received: / /
Role/status in ISQ	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about		
Role/status in ISQ	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <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 in ISQ Signature: / /
Signed by:	Complainant Respondent

