

## **Issue and Complaint Resolution Policy & Process at WPFC**

The Member Protection Information Officer (MPIO) maintains the Working With Children (WWC) policies for WPFC (see the Working With Children Check Policy and Procedure and related policies under the 'Policies & Admin' tab on the WPFC website).

The MPIO is also the first point of contact for any concerns regarding any child or adult involved with WPFC. Issues may be with players, spectators or officials. Concerns may include:

- Where a child may be at risk of physical, verbal, sexual or psychological harm or neglect (a child protection issue)
- Harassment
- Discrimination (based on race, gender, sexual orientation, religion)
- Bullying
- Poor language or abuse on or off the field during a game by players or spectators or officials
- Other issues you are concerned about

Note:

- the Club has a Playing Time & Training Policy – see the 'Policies & Admin' tab on the WPFC website.
- See the Definition of Reportable Issues at the end of this policy for more detailed information about the above issues and when a report should be made.

Any issue raised with the MPIO remains confidential to the person raising the issue and the MPIO. The MPIO will ask you what the issue is and the outcome you would like to see. The MPIO will then help you explore what option you would like to take (eg. drop the issue, self-manage the issue, follow the informal process, follow the formal process). Options open to players and parents of WPFC are outlined in this Process (available under 'Policies & Admin' on the WPFC website).

Your issue will be raised with the **WPFC Resolution Committee** if you decide to take the informal or formal process. However child protection matters will be managed more discretely with direction from the MPIO and may involve the Child Protection Helpline and Family and Community Services.

### **Resolution Process**

Once a person raises a potential issue with the Club's MPIO, there are 5 options that can be taken to resolve the issue:

#### **1. Self-management**

The person with the complaint tries to resolve the problem directly by talking with the other person involved. Self management of complaints can quickly resolve many lower level and 'accidental' issues. The MPIO can accompany you as an impartial party.

#### **2. Informal procedures**

**Observation:** The complaint is raised and the **WPFC Resolution Committee** organises for the person of interest to be observed. If the issue arises under observation, the observer can take

action to remedy the situation on the spot (for example, if a coach is repeatedly singling out and shouting inappropriately to a player, the observer can pull the coach aside and ask them to take a breather, then go through the Code of Conduct with them at an organised time and place).

**Counselling:** counselling may be provided by a member of the **WPFC Resolution Committee** or through an external specialist as organised by WPFC. Counselling helps to make the individual understand why there are concerns about their behaviour and the impact of their behaviour.

**Mediation:** the mediation may be provided by a member of the **WPFC Resolution Committee** or external specialist as organised by WPFC. An impartial person assists parties to negotiate and resolve an issue by mutual agreement. The mediator guides the process rather than making decisions or solving the problem. All parties must be willing to participate.

**Education:** Education can be used to prevent and stop inappropriate behaviour, especially in groups. Education can be provided by an appointed person within the Club, or through external sources and resources as organised by WPFC. Education does not replace counselling or disciplinary action for an individual who has acted inappropriately.

### **3. Formal procedures**

A formal process is where:

- A formal complaint in writing is sent to the MPIO or President of WPFC.
- An investigation is undertaken by the **WPFC Resolution Committee** to determine the facts of the issue. Investigations may be carried out by an identified administrator in the club, a complaints officer, or an external specialist as appointed by WPFC. WPFC may also contact the Northern Suburbs Football Association (NSFA) for guidance.
- A finding by the **WPFC Resolution Committee**.
- A report by the **WPFC Resolution Committee** that includes recommendations.
- Mediation if required (see clause 2 for a description). The mediator will usually advise on the content and outcomes of the process but they do not actually decide the result.
- An appropriate outcome.

### **4. Appeals process**

If the person with the complaint or the person complained about believes the process or the outcome is unfair, there is an avenue to pursue this. Similarly, if any recommended mediation does not result in a mutually acceptable solution, then either party is entitled to appeal.

In an appeals process, the complaint is reheard by a different investigator/ decision maker as nominated by WPFC and the decision is reviewed. At WPFC, a person has the right to one internal appeal.

### **5. External options**

If the internal complaint resolution procedure does not achieve a satisfactory resolution or outcome, or if the person with the complaint believes it would be impossible to get an impartial resolution within WPFC, an MPIO may advise they approach an external body for advice, or to lodge a complaint at any time during the process.

These external bodies include:

- An MPIO from another sport's club or from the NSFA
- The Police
- Anti-discrimination agencies
- Family and Community Services
- Governing bodies
- Departments of Sport and Recreation
- Alternative Dispute Resolution bodies
- Court of Arbitration for Sport (CAS: Oceania Register)
- The ASC

## **Definitions for Reportable Issues**

### **Unwanted behaviour**

There are behaviours from adults towards children that are inappropriate. They may involve behaviours that 'technically' don't break any rules or laws, but are unwanted around the club environment and are not consistent with respectful behaviour towards children. These may include swearing in the presence of children, making suggestive comments, asking a teenage child about his or her 'love life', not asking permission from the child to touch them when demonstrating a skill that requires physical contact. It is expected that these behaviours would be noticed and dealt with in a sensitive but clear-cut way, and that all adults and children involved in the club environment would be aware of what is expected of them in their behaviour towards children.

### **Behaviours that if allowed to continue, could easily escalate into legally defined abuse and neglect**

Examples might include any use of camera equipment in any areas where private activities occur (eg. change rooms), turning a blind eye to bullying behaviour and continual disregard for a child's personal space and boundaries when demonstrating a skill that requires physical contact. When behaviour has reached this unacceptable level, it has quite likely been allowed to go unchecked or un-noticed. This behaviour should be dealt with immediately. If there is any question in relation to whether someone's behaviour constitutes child abuse, it is advisable to contact the club's MPIO.

### **Harassment**

Harassment is belittling, abusive or threatening language or behaviour and it creates an uncomfortable or hostile sporting environment.

Harassment is often an abuse of power or position, and it can cause stress, anxiety, loss of self belief, physical ill-health and mental distress.

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

Harassment is any type of behaviour that:

- is not wanted
- is not asked for
- is not returned
- that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated, or intimidated.

### **Sexual Harassment**

Sexual harassment is the unwelcome sexual advance, unwelcome request for sexual behaviours, or the unwelcome conduct of a sexual nature that offends, humiliates or intimidates a person, where a reasonable person would anticipate that reaction in the circumstances.

Sexual harassment can occur between men and women, men and men, and women and women. Football involves close contact with fellow players and officials - so the potential for sexual harassment can be high. Such sexual harassment in a club might result in legal action.

### **Victimisation**

Victimisation is treating someone unfairly because they have acted on the rights given to them by equal opportunity laws, or because they have supported someone else who acted on those rights. An example of this might be a club threatening the membership of somebody who made or supported a complaint to an anti-discrimination authority.

### **Sexual Abuse**

Sexual abuse is any sexual act or sexual threat imposed on a child by an adult or another child, including suggestive behaviour and inappropriate touching. Sexual abuse may also involve an act that exposes a child to sexual processes or images.

Sexually abusive behaviours can include fondling, any form of sexual activity with a child, voyeurism, exhibitionism and exposing the child to or involving the child in pornography.

### **Physical Abuse**

Physical abuse is the non-accidental injury and/or physical harm to a child caused by a parent, caregiver or other person. This injury can also be caused by another child. Physically abusive behaviours can include shoving, hitting, slapping, shaking, throwing, punching, biting, burning and kicking.

Physical abuse may be intentional or may also be the inadvertent result of physical punishment that causes physical harm. Remember too that child abuse can be unintentional, such as an injury caused through poorly maintained or sub-standard facilities and equipment.

### **Emotional/Psychological Abuse**

Emotional abuse involves behaviours that may psychologically harm a child, including verbal abuse, threats, bullying, harassment or excessive and unreasonable demands. Emotional abuse may take the form of:

- Rejection, where an adult refuses to acknowledge a child's worth, or continually belittles them maliciously
- Terrorizing a child with verbal 'assaults', creating a climate of fear, intentionally bullying or frightening a child
- Corrupting a child by deliberately encouraging anti-social, deviant and destructive behaviour

## **Neglect**

Neglect is where a child is at risk of injury/harm or is harmed by the failure to provide them with the basic physical and emotional necessities of life. It is important to be aware that some children with a disability are at greater risk of child abuse due to mobility constraints and/or difficulties with communication. Extra care should be taken to reduce the risk of abuse.

Neglect also covers any injury or harm to a child due to poor maintenance or sub-standard facilities and equipment.

Some indicators of child abuse are:

- Bruising, particularly in the face, head or neck region
- Injury left untreated
- Differing versions of how an injury occurred
- Child/relative advising of abuse
- A child, referring to someone else being abused, may mean him/herself
- Sexual behaviour which is inappropriate for the age of the child
- Nightmares/bedwetting/going to bed fully clothed
- A high level of distrust of other people
- An inability to relate well with adults and/or children
- Extreme attention seeking behaviour, disruptive or aggressive behaviour and bullying
- Seeking indiscriminate or inappropriate adult affection

The presence of one indicator does not necessarily suggest that a child is the subject of abuse. People working with children need to consider the context in which the indicators are observed and use common sense.

If you are in a situation where a child is disclosing information about alleged abuse, make sure you remain calm, that you minimise the child's distress, and that you ask open-ended questions ('What happened then...') rather than questions that elicit 'Yes/No' answers. Take this disclosure immediately to the MPIO.

## Discrimination

All sporting clubs and organisations in Australia are subject to equal opportunity laws. Equal opportunity laws generally make it illegal to treat someone or a group of people less favourably than another person or group based on the following common grounds:

- race, colour of their skin or ethnic background
- sex (gender)
- age
- impairment
- marital status
- pregnancy
- sexuality.

## Exemptions

Equal opportunity laws allow for clubs to be formed based on specific characteristics (for example, single sex clubs) and for teams to be made up of particular groups of people, such as age groups, single sex groups, or disability groups.

The law recognises that sporting prowess can be affected by factors such as age and sex, particularly where strength, stamina and physique are important for the sport. Being able to provide competition according to age groups or gender helps to provide fair competition in a safe environment.

This means that the law allows for some exemptions in sport from sex discrimination (male/female), disability discrimination and age discrimination where the sport can show that restrictions or conditions relating to strength, stamina and physique, and/or sex are important to the sport.

For a discrimination complaint to be lodged with the appropriate authority, such as an anti-discrimination agency or human rights commission, it has to meet the following criteria:

1. There has to be sufficient grounds for complaint. The grounds for discrimination include race, sex, age, impairment, marital status and sexuality.
2. It needs to fit within the areas of membership, conditions, playing rights and/or employment.
3. It needs to fall within the time limit for making the complaint.

Time limitations for the different states and territories are: 12 months for Federal, ACT, Qld, Tasmania, Victoria and WA. Six months for NSW, Northern Territory and SA.