

Member Protection Policy Plan

Development – Implementation – Publication – Promotion



ACT
Government

This document does not provide legal advice. It provides general information regarding the development of a Member Protection Policy and may omit important information that could apply to a specific circumstance or situation. Organisations must obtain independent legal advice before endorsing or implementing a Member Protection Policy.



About the Plan

Every triennial funded state sporting organisation in the ACT is required to have a Member Protection Policy. The policy is an essential tool that assists sports to continuously work towards maintaining ethical and informed decision making and responsible behaviours that promote inclusive, safe and fair sport. The Member Protection Policy outlines legal obligations the sport is required to meet in order to prevent and address discrimination and harassment and to protect children from harm and abuse. It also outlines how the organisation will meet their obligations, maintain responsible behaviour and provides fair decision making procedures.

The Member Protection Policy Plan is designed to assist state sporting organisations better understand essential aspects of their Member Protection Policy and how to effectively implement the policy throughout their sport. It also provides important information regarding key groups and individuals that will use the Policy.

When using the charts in the Member Protection Plan state sporting organisations should consider not only the implementation of the policy at the state level but also how member clubs will implement, publish and promote the Member Protection Policy, so that members are protected at both the state and grass roots levels.

How to use the Member Protection Policy Plan

Section 1: Member Protection Policy content and implementation

This section lists a series of yes/no questions in regards to various areas of your sport's Member Protection Policy, including:

- Publication of the policy and support information
- Clarification of Member Protection Information Officer (MPIO) and Complaint Handler roles
- Reviewing the policy
- Endorsement of the policy by the sport's Board
- Obtaining a legal check
- Composition of a tribunal panel
- Providing relevant policy statements.

Your answers to the questions correspond with one of three boxes which identify whether your organisation's policy is adequate and successfully implemented or whether additional steps need to be taken to ensure it has an effective and current Member Protection Policy.

The goal is to provide an answer for each question that places your organisation in the **GREEN** box. Make sure you read the comments in all the boxes, not just the one that currently applies to your organisation. This way you will have a broader understanding of why you need to effectively develop, implement, publish and promote your Member Protection Policy.

Section 2: Other common mistakes to avoid

This section outlines other common mistakes that sporting organisations tend to make in regards to the content and implementation of their Member Protection Policy and how to rectify the mistake.

Section 3: Checklist

This section provides a tick-the-box checklist that sporting organisations can complete to ensure they have met minimum standards with respect to their obligations in relation to harassment, discrimination and child protection.

Section 4: Relevant links and information

This section lists website links that provide information on member protection and ethical issues in sport.

Need more information?

If you need additional information on member protection issues or assistance working through this Plan, please email sport_act@act.gov.au or phone 02 6207 7678.

Abbreviations

PBTR – Play by the Rules

NSO – National Sporting Organisation

ASC – Australian Sports Commission

SSO – State Sporting Organisation

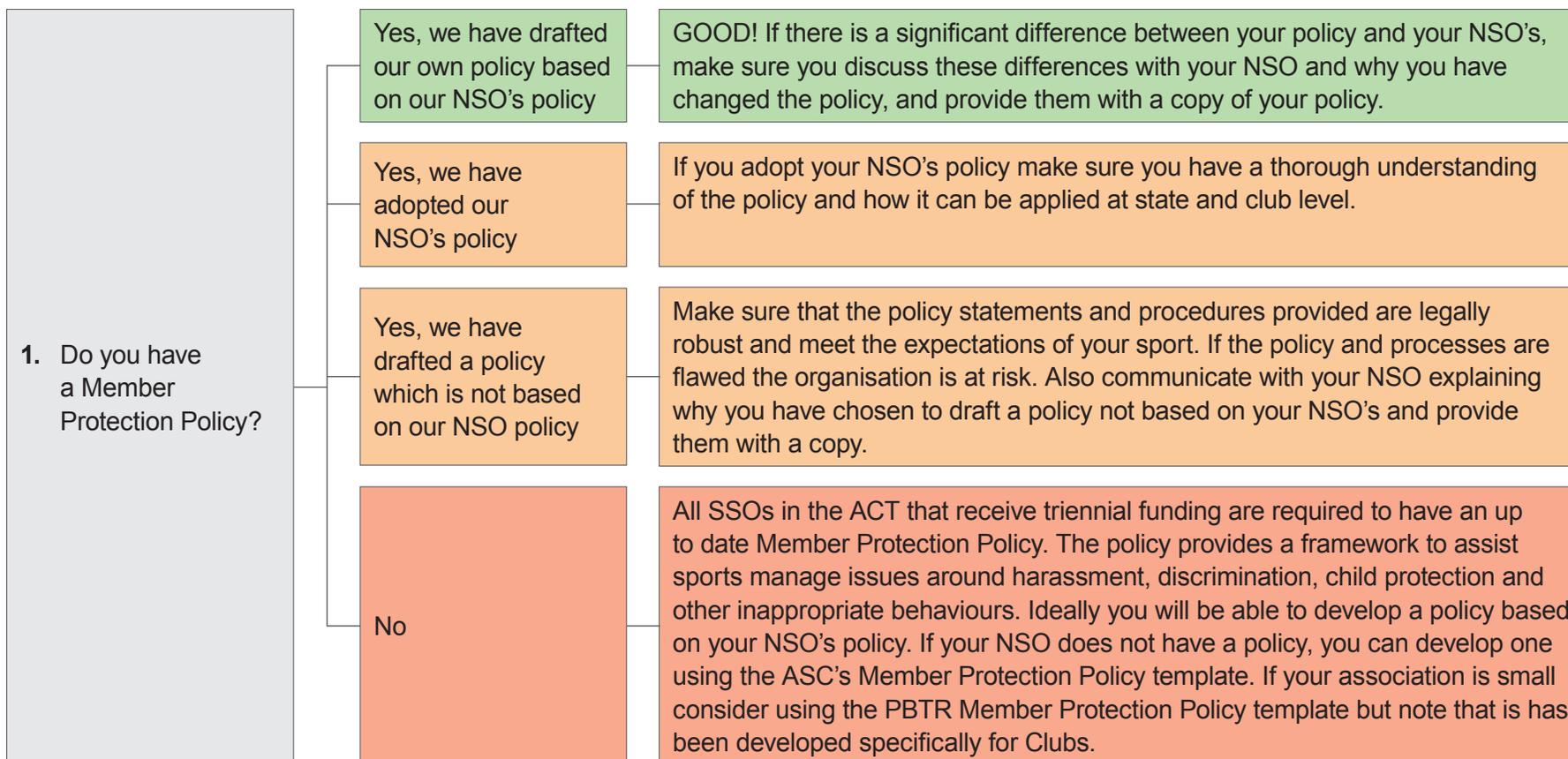
Section 1: Member Protection Policy content and implementation

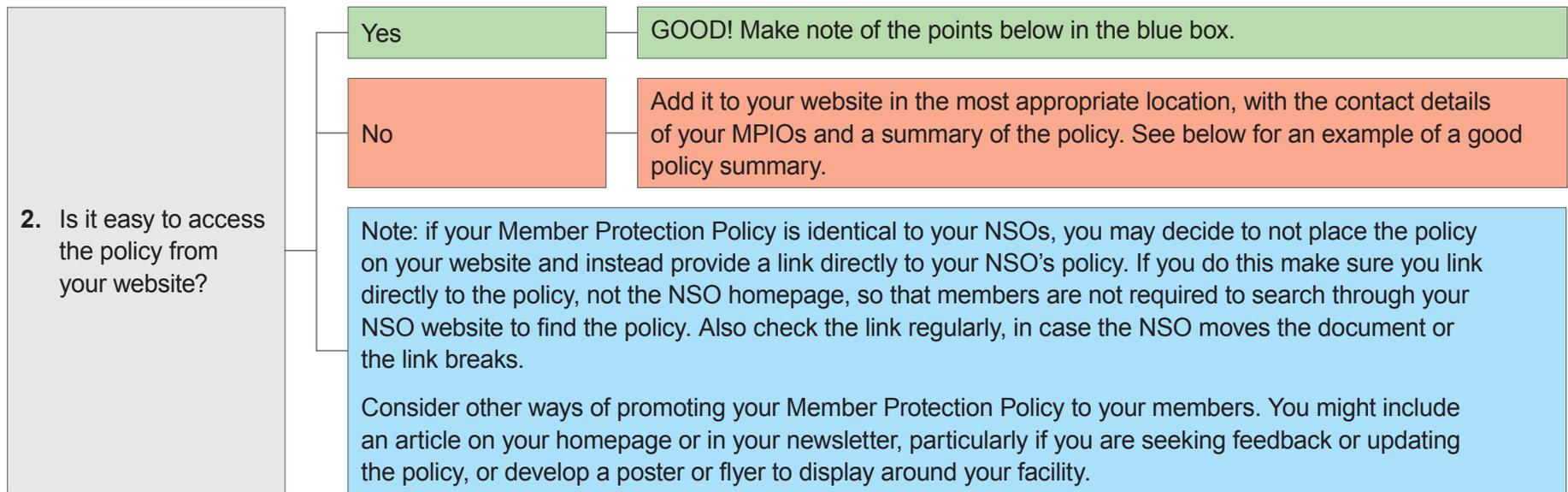
Answers in the GREEN box are probably effectively addressing the topic raised in the question.

Answers in the ORANGE box indicate there may be some issues that your organisation needs to consider and possibly address, or there is probably more that can done.

Answers in the RED box indicate a potential problem that needs to be addressed.

There are also some useful tips and pointers provided in the BLUE box.



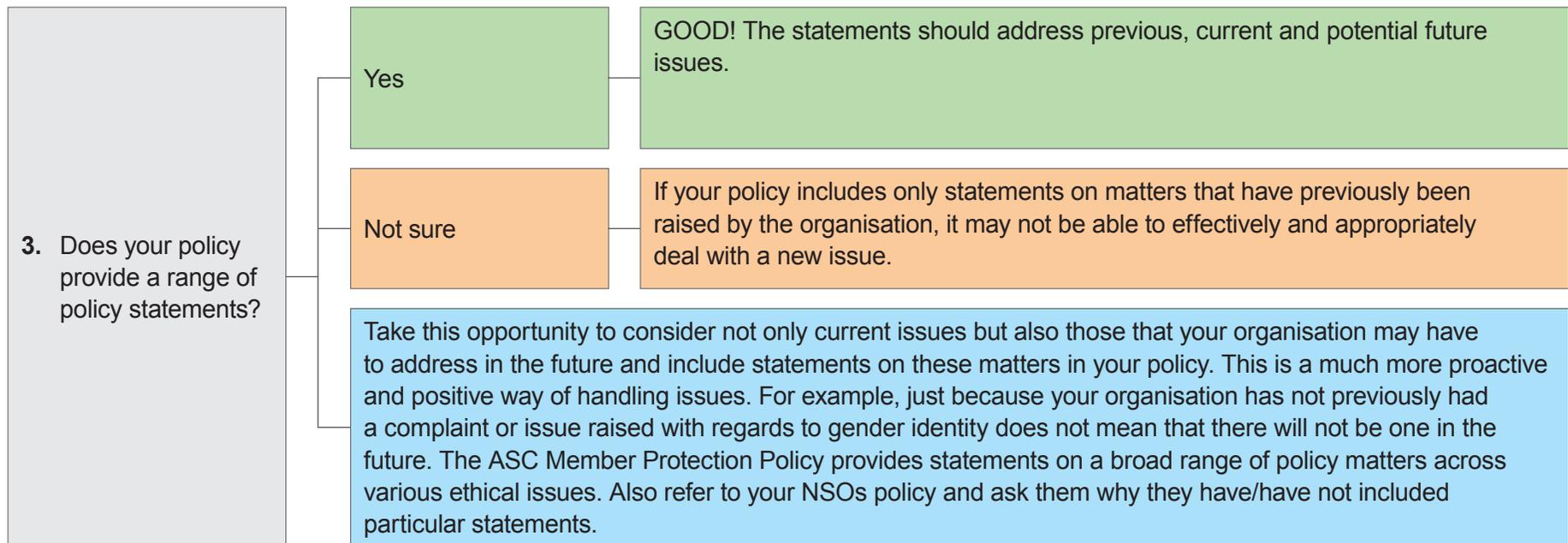


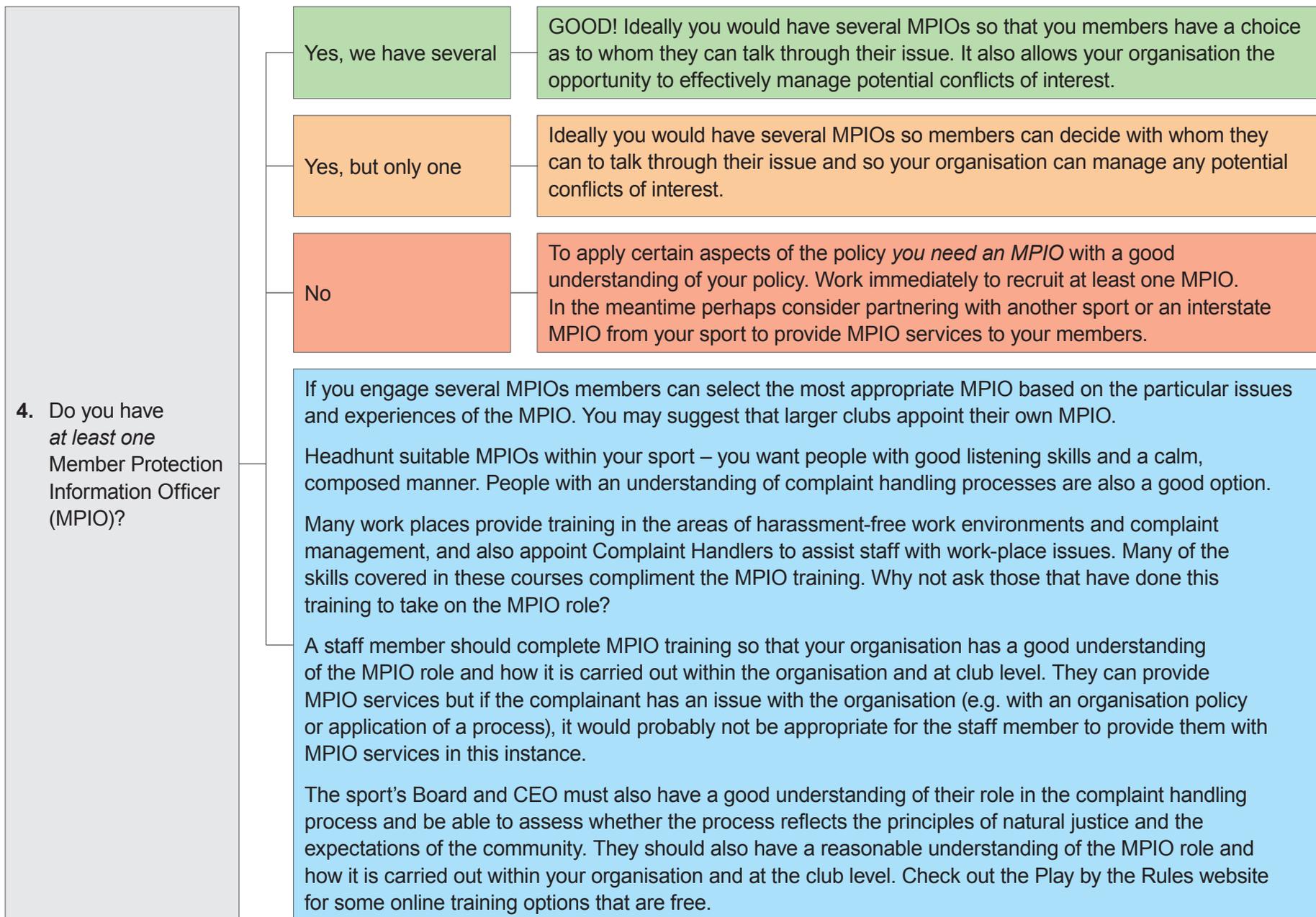
All members affiliated with *[name of organisation]* are bound by its Member Protection Policy which is available from *[www...]*. The purpose of this policy is to:

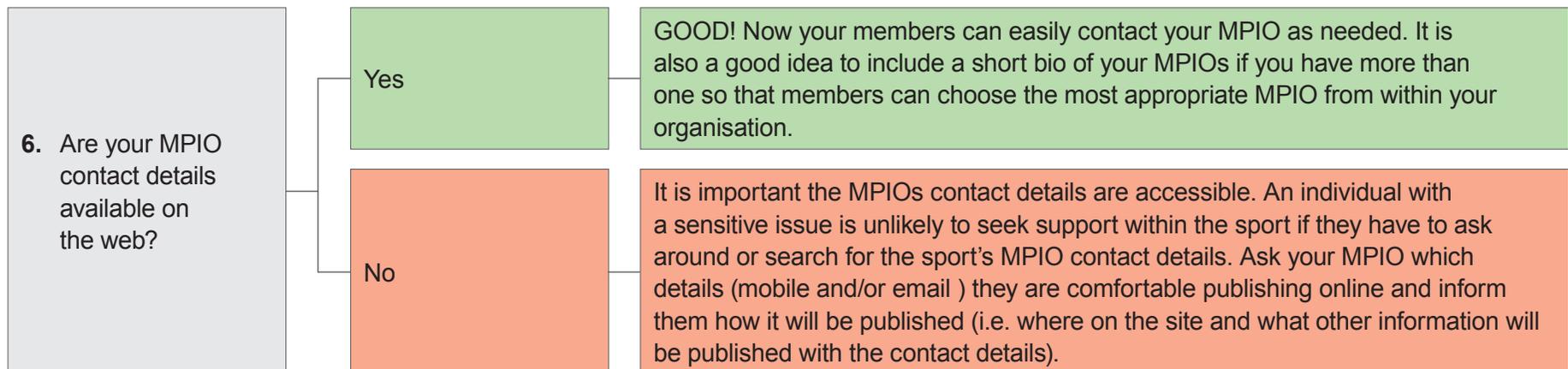
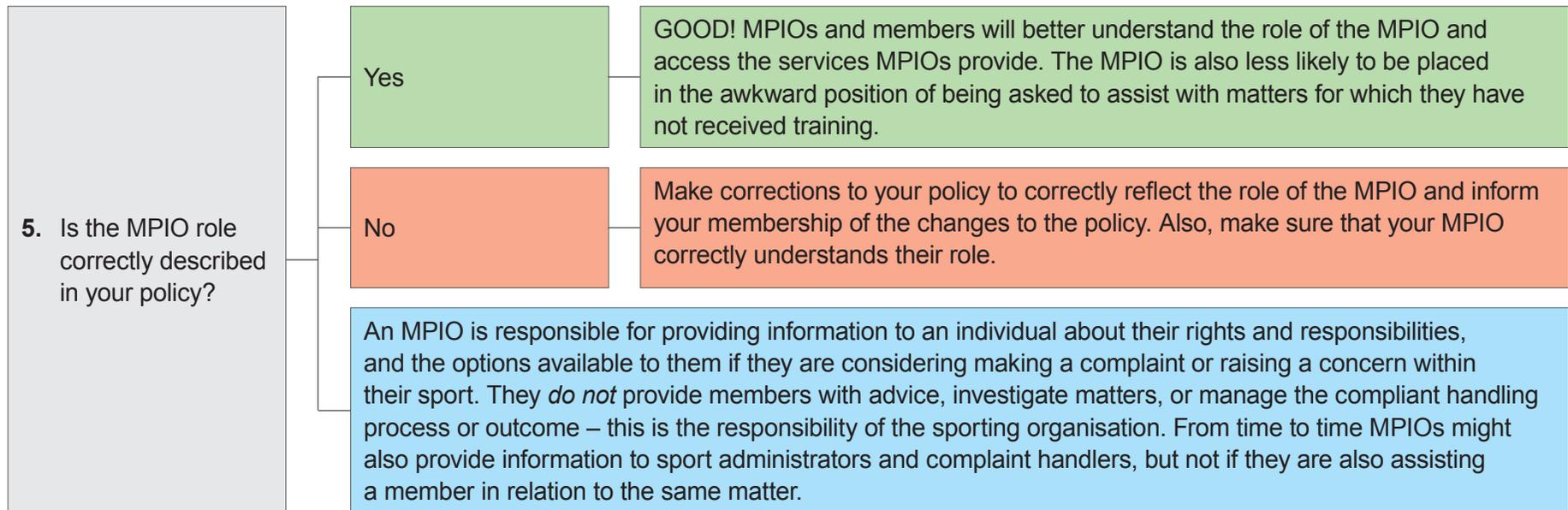
1. ensure the core values, good reputation and positive behaviours and attitudes of *[name of organisation]* are maintained;
2. assist us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse; and,
3. ensure that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

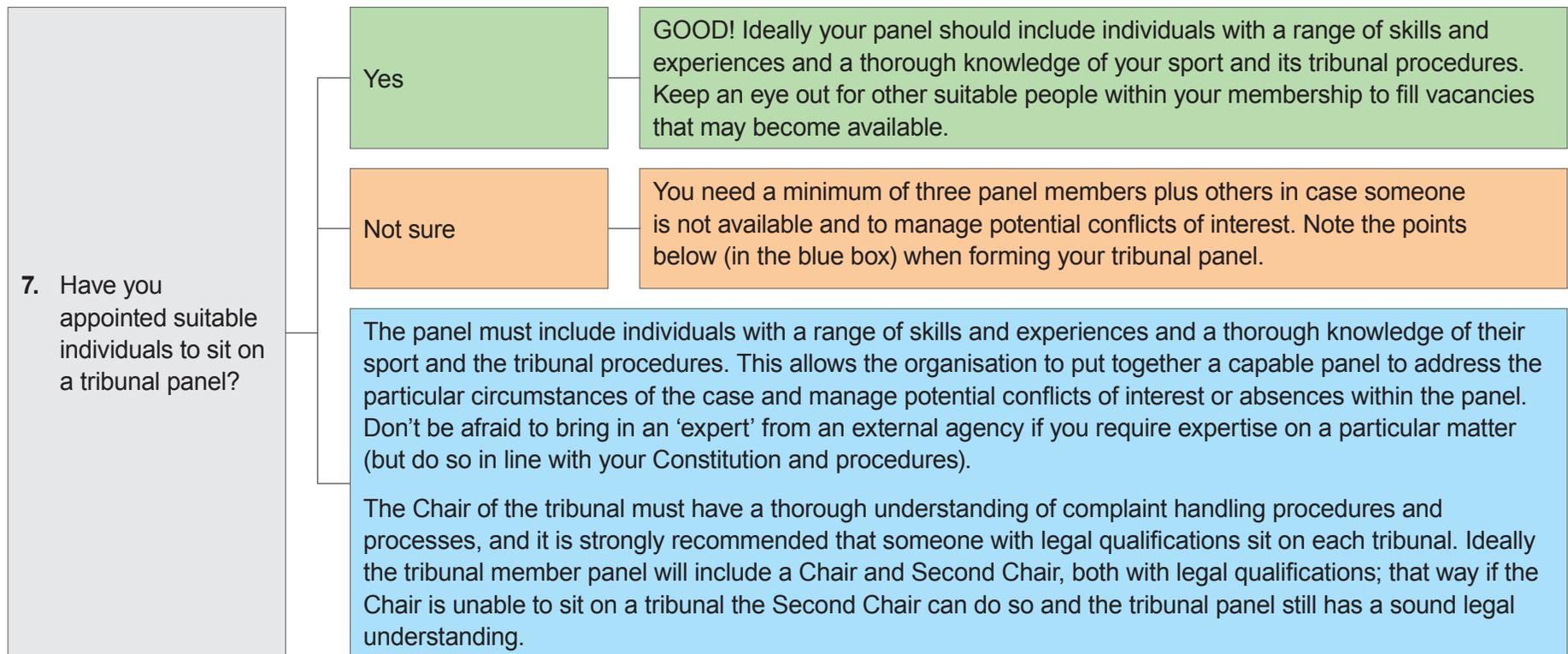
The policy attachments provide procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment *[name of organisation]* will take disciplinary action against any person or organisation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

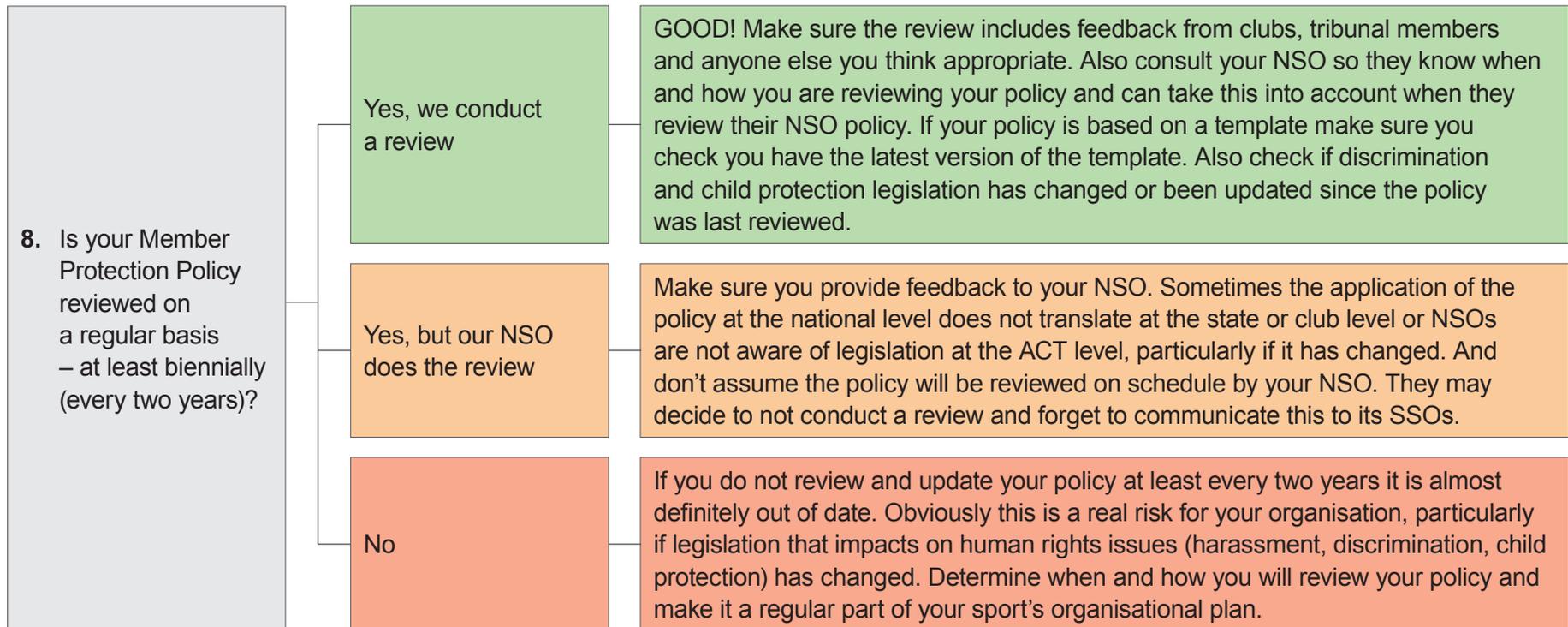
Member Protection Information Officer (MPIO):
The MPIO is the first point of call in a club or sporting organisation for any enquiries, concerns or complaints around harassment and abuse under the Member Protection Policy. An MPIO provides information and moral support to the person with the concern. They also act as a sounding board and provide information about local complaint resolution options available to address the individuals concern. *[Name of organisation]* has *[enter number]* of MPIOs and their contact details are *[available from...]*.

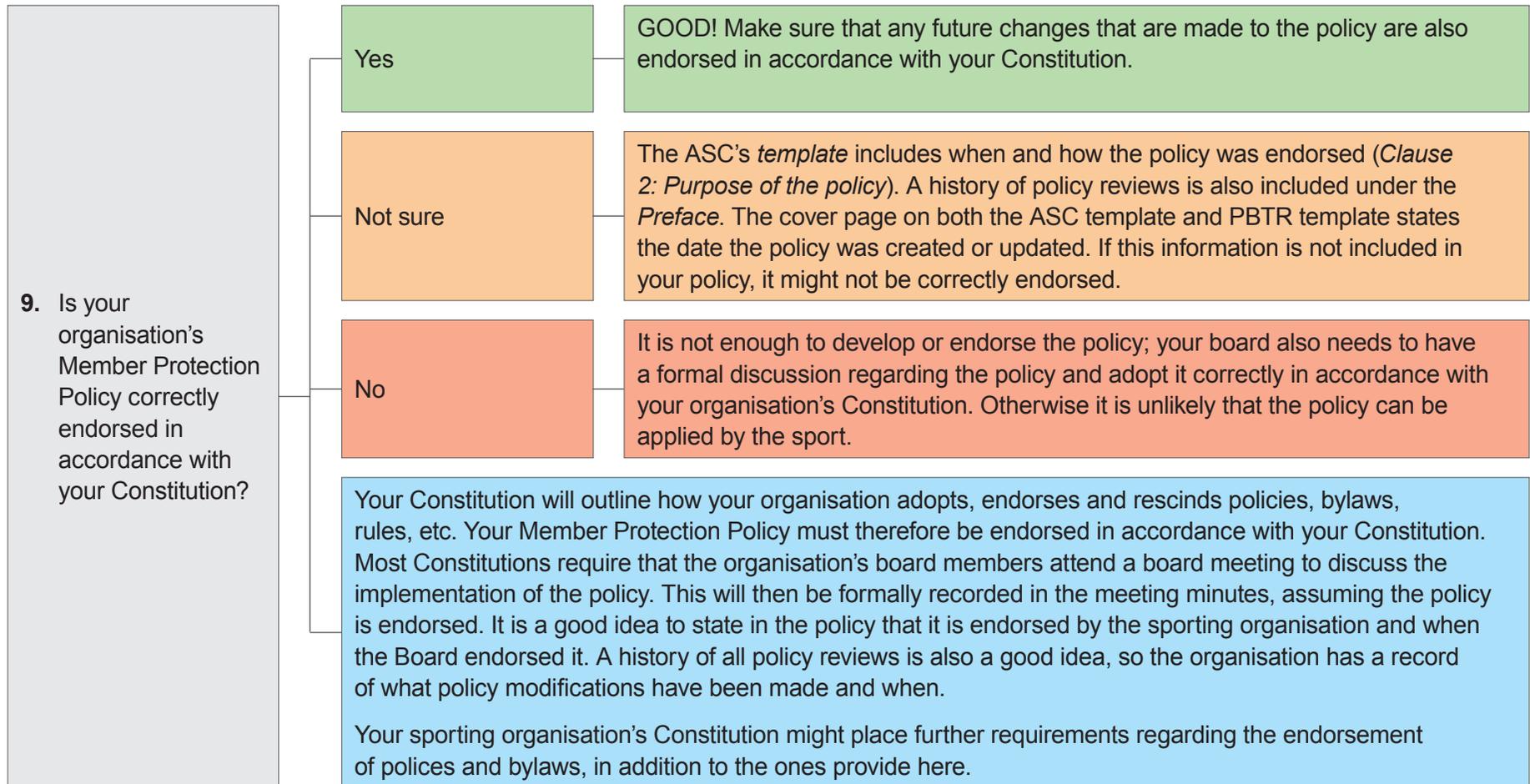


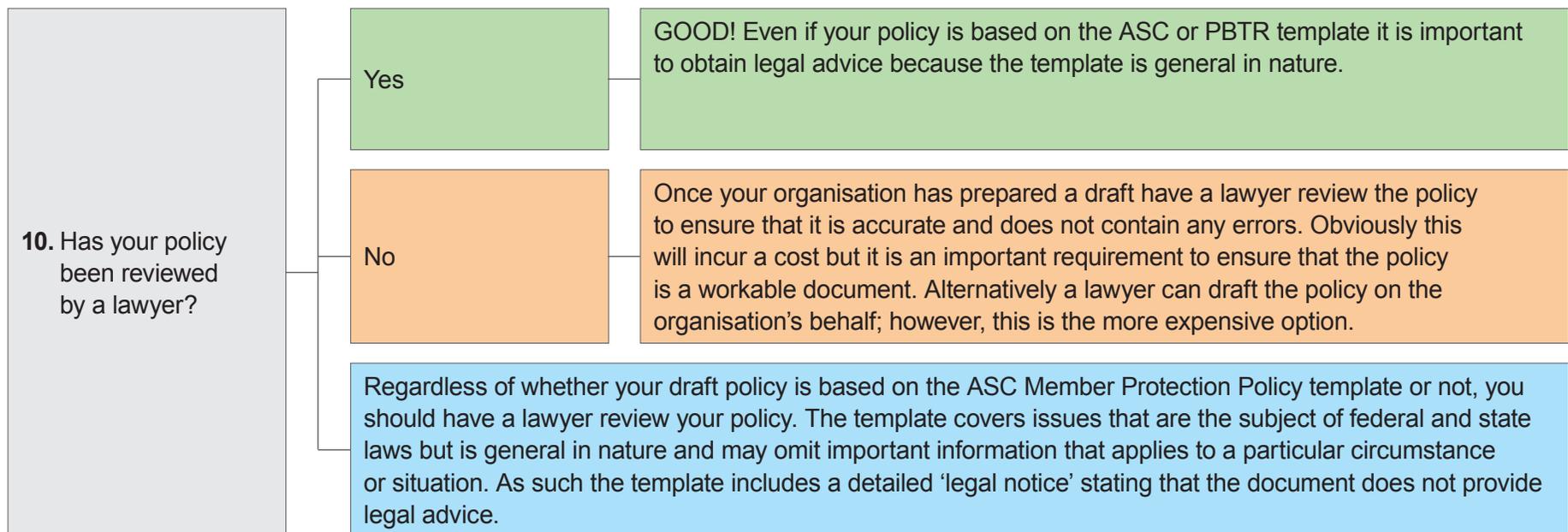












Section 2: Common mistakes to avoid

Policy is ‘cut/paste’ from a template document

Template documents such as the ASC’s Member Protection Policy Template, are designed to be customised to suit the needs of a particular organisation. What might apply or be relevant to one sporting organisation might not apply to another. For example a large, professional sporting organisation would have a very different policy to that of a small, volunteer-driven sporting organisation. If using a template document, make sure you understand the options provided in the template and how they apply to your organisation and your member clubs. Consider the requirements and expectations for members and the type of complaints that the organisation might be dealing with under the policy. Question the options provided in the template document and how they might apply to your organisation so that you gain a better understanding of member protection issues in sport and limit the potential for ‘mistakes’ to be made in the development of the policy.

Policy does not state to whom it applies

Make sure your policy clearly states the level to which your policy applies – national, state and/or club. If you have adopted your NSOs policy make sure it states that the policy applies to member associations and/or affiliated clubs, otherwise it does not apply beyond the national level. (If your policy is based on the ASC’s Member Protection Policy this should be stated at *Clause 3: Who this policy applies to*).

The complaints handling procedures do not correctly reflect staff and volunteer roles

Make sure your policy clearly explains roles including the CEO/General Manager, MPIO and Complaints Manager, and how they fit into the complaint handling process.

Formal complaints will generally come from a complainant to the sport to be actioned by the CEO/General Manager. The CEO/General Manager might then refer the matter to an MPIO or a Complaint Manager if appropriate. The MPIO does not ‘receive’ complaints on behalf of the organisation and is not expected to manage or progress the complaint – this is usually the job of staff within the organisation. (If your policy is based on the ASC’s Member Protection Policy, *Clause 7: Complaint Procedures* summarises the complaints handling process.)

The MPIO provides information and explains options that are available so that the individual with the issue or thinking of making a complaint can decide how to deal with it. They may also provide support to an individual making a complaint or raising a concern in appropriate. Refer to *Question 5: Is the MPIO role correctly described in your policy?*, and to *Relevant Links* for more information on the MPIO role.

If your organisation does not have an MPIO get one as soon as possible. In the interim, engage the services of an interstate MPIO or from another sport. Or temporarily remove reference to the MPIO from the policy and ensure that an appropriate alternative is included in the policy until an MPIO can be appointed. Note that both these alternatives are **short term options** and should only be applied temporarily, until a permanent MPIO is appointed.

The complaints handling procedures do not provide options to manage the type of complaint

Make sure you provide a range of complaint handling procedures. Not every complaint needs to be handled formally, particularly less serious matters, where there is little discrepancy regarding the facts of the matter and where the parties involved want the matter resolved. If your organisation does not provide a range of options you might be required to handle every matter formally, which will prove time and labour intensive for everyone involved. (If your policy is based on the ASC's Member Protection Policy, *Part D: Complaint Handling Procedures* explains a range of complaints handling process).

Make sure that the policy includes a range of disciplinary measures and how they might be applied to both individuals and organisations/clubs that breach the policy. It is also a good idea to state on what basis the measures will be applied so that members are assured that the organisation will apply them in a fair and reasonable manner. (If your policy is based on the ASC's Member Protection Policy, this information is available from *Clause 9: Disciplinary Measures*).

Make sure your Hearing and Appeals Tribunal Procedures reflect the principles of natural justice and that a suitably experienced and appointed tribunal panel is in place. Consider the grounds for appealing a tribunal decision and how your organisation wants appeals heard. Make sure the appeals procedure reflects these expectations. (If your policy is based on the ASC's Member Protection Policy, *Attachment D5: Hearing and Appeals Tribunal Procedure: Complaint Procedures* summarises the complaints handling process).

Also check your organisation's Constitution and make sure that the procedures compliment those that might be provided here.

A range of strategies that provide child-safe environments has not been implemented

In addition to developing a Member Protection Policy, sporting organisations should implement practical strategies to ensure that the environment they provide is safe for children and young people. For example sports should have procedures in regards to recruiting, selecting and managing coaches and officials. They should also be provided them with on-going training and development. 'High-risk' events (such as overnight, interstate trips) should also be identified and procedures and documentation established. This may be part of a broader risk-management plan developed by the organisation.

Section 3: Member Protection Policy Checklist

Below is a Checklist to assist state sporting organisations that are reviewing their Member Protection Policy. It is designed to be used by the organisation after they have read through their Member Protection Policy and Sections 1 and 2 of this Plan, and addressed corrections and updates that need to be made. The Checklist should be kept on file so that the sport has an on-going record that its policy has been reviewed and how. Ideally state and national sporting organisations will review their policies in a coordinated manner and communicate with each other regarding the review.

Policy item	
<input type="checkbox"/>	Policy developed, based on ASC Member Protection Policy template, PBTR Member Protection Policy template or other document. Policy is based on:
<input type="checkbox"/>	Policy is correctly incorporated into the organisation's Rules/Bylaws in accordance with the Constitution. Date incorporated:
<input type="checkbox"/>	Policy states at which level/s it applies (national/state & territory/club).
<input type="checkbox"/>	NSO informed if policy is different to the national policy and how.
<input type="checkbox"/>	Range of policy statements have been provided.
<input type="checkbox"/>	MPIO role is correctly described and referred to throughout the policy.
<input type="checkbox"/>	Several complaint handling procedures are provided.
<input type="checkbox"/>	All roles involved in complaint handling process are correctly explained. Includes CEO, MPIO and complaint handler (if appropriate).
<input type="checkbox"/>	Range of disciplinary measures are provided.
<input type="checkbox"/>	Codes of Behaviour/Conduct are included or referred to in the policy.
<input type="checkbox"/>	Screening or Working with Vulnerable People requirements are referred to and appropriate contact details for relevant agencies are provided.
<input type="checkbox"/>	Range of child protection strategies implemented to compliment the policy.
<input type="checkbox"/>	Legal expertise obtained.
<input type="checkbox"/>	Policy is published on the sport's website.
<input type="checkbox"/>	MPIO/s have been appointed. Number of MPIOs:
<input type="checkbox"/>	MPIO role explained and MPIO contact details published on the website.
<input type="checkbox"/>	Tribunal panel representing a range of skills and experiences have been appointed (in accordance with the Constitution).
<input type="checkbox"/>	Board, CEO have received training regarding member protection issues and complaints handling.
<input type="checkbox"/>	Range of initiatives have been implemented to promote the policy to members.
<input type="checkbox"/>	Feedback on the policy obtained from stakeholders.
<input type="checkbox"/>	Next policy review date set.
Notes	
Date Reviewed:	

Section 4: Relevant links and information

The Play by the Rules website provides an extensive range of member protection resources including news articles, templates, interactive scenarios, general information and education. Visit www.playbytherules.net.au. Of note is the:

- Club Member Protection template – a member protection policy template, based on the ASC template, suitable for clubs and small sporting associations
- Interactive Complaint Handling Tool – a tool that takes the user through the key steps of a complaint process
- PBTR Quick Reference Plan – a state and territory specific Plan that provides information regarding the services and contact details for organisations that can assist sports dealing with a range of unlawful and illegal behaviours; including harassment, discrimination and child protection.
- Online training – the training is free and on completion the user receives a certificate.
 - MPIO training
 - Complaint Handling training
 - General harassment, discrimination training
 - Child protection training.

ASC's Integrity in Sport website provides research reports, information and resources on a range of ethical and integrity in sport issues, including illicit drugs and anti-doping. Of note is the Member Protection Policy Template, suitable for national sporting organisations. SSOs can also develop a policy based on this template and modify it accordingly. Visit www.ausport.gov.au/supporting/integrity_in_sport.

Clearinghouse for Sport is an Australian sport sector information and knowledge sharing website on all things sport related. The Clearinghouse provides members with a range of services and resources across all levels of sport and joining the service is easy and free. They can also connect with other sports people via the Clearinghouse for Sport LinkedIn group. Visit <https://secure.ausport.gov.au/clearinghouse>.



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