

## 1. Overview

This procedure has been developed to ensure that complaints about inappropriate behaviour described in this policy are addressed sensitively, consistently, fairly and confidentially.

A complaint may be reported about an individual or group behaviour informally or formally. It may be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy.

A complaint should first be reported to the Club's nominated Child Safety Officer, who will be knowledgeable on the correct process to take. If the complaint is about a member of SMJFL staff, or about the Child Safety Officer to whom the incident would otherwise be reported, a report can be made to the SMJFL's nominated Child Safety Officer.

## 2. Internal Procedure

### (a) Self Resolution

Self resolution may be appropriate where the alleged harasser or bully is oblivious to the impact of their behaviour towards the complainant. If the complainant feels it is appropriate, they can attempt to resolve the issue directly with the alleged harasser without the assistance of SMJFL or Club Child Safety Officers, by speaking directly to the person/s involved and asking them to stop the offensive behaviour immediately.

### (b) Resolve the Complaint Informally

Informal assistance may be appropriate where the complainant is not sure how to handle the problem and wants to talk confidentially about the problem or the problem continues after the complainant has tried to approach the person/s involved. If this is the case, the individual/s should talk with their clubs nominated Child Safety Officer.

Informal procedures that may be adopted could include the following:

- provide possible options/methods for the complainant to resolve the problem and/or make a referral to an appropriate person to help the complainant resolve the problem eg: a mediator.
- explain how the SMJFL complaints procedure works;
- act as a support person;
- privately speak with the alleged offender on behalf of the complainant
- inform the relevant government authorities and/or police if required by law to do so

### (c) Resolve the Complaint Formally

Formal procedures may be appropriate where informal procedures have been ineffective, the complaint involves serious and/or criminal allegations or the complainant wishes to make a formal complaint from the outset. Formal complaints can be lodged with the clubs nominated Child Safety Officer using an Incident Report Form.

If the complaint is about an SMJFL staff member or the Child Safety Officer to whom the incident would normally be reported, a report can be made to the SMJFL Child Safety Officer. If the club Child Safety Officer is unsure how to proceed, they can escalate the matter to the SMJFL Child Safety Officer.

Both parties involved in a formal complaint have a number of rights and responsibilities which are detailed below:

Complainant's Rights	Respondent's Rights
<ul style="list-style-type: none"> <li>• Have the complaint investigated and if necessary conciliated</li> <li>• Have support/representation if requested</li> <li>• Express views and opinions without intimidation from others</li> <li>• Discontinue a complaint</li> <li>• Have the situations remedied</li> <li>• Privacy</li> </ul>	<ul style="list-style-type: none"> <li>• Have natural justice</li> <li>• Not be discriminated against</li> <li>• Not be dismissed unfairly, harshly or unreasonably</li> <li>• Privacy</li> <li>• Have support/representation if requested</li> <li>• Not be defamed</li> <li>• Not be the subject of unfounded</li> </ul>

A formal procedure will be followed as appropriate for each individual complaint which may include one or more of the following steps:

- document full information from the complainant about the complaint and how they want it resolved;
- put the information received from the complainant to the person/people that the complaint is about and ask them to provide their side of the story;
- decide whether enough information has been obtained to determine whether the matter alleged in the complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session and/or referring the complaint to the police or other appropriate authority.

**NB: Where a complaint relates to an allegation of child abuse the matter will immediately be referred to the police or relevant state government authority (see below).**

More detailed information on conducting internal investigations can be found at [www.ausport.gov.au/ethics/policy.asp](http://www.ausport.gov.au/ethics/policy.asp)

#### **(d) Appeal Process**

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome, or if the complainant believes it would be impossible to get an impartial resolution within the Club or the SMJFL, an external agency such as The Equal Opportunity Commission may be contacted to assist with a resolution.

### **3. External Procedure**

There may be a range of external options available depending on the nature of the complaint. In the case of harassment or discrimination advice can be sought from the State or Territory Equal Opportunity Commission without being obliged to make a formal complaint. In the case of more serious breaches such as child abuse, the police or relevant state government department responsible for issues of child welfare should be notified.

#### 4. Police or Government Authorities

Where an incident or suspected incident is of a serious enough nature as to be considered child abuse, the matter will be escalated to the police or relevant government authorities.

Child abuse relates to children (a person under 18 years old) 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 verbal and emotional abuse and physical actions and by people failing to provide them with basic care.

Child abuse may include:

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

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. It is a **legal obligation** that anyone who reasonably suspects that a child has been or is being abused by someone within our sport, or by his/her parents/guardians, must report it immediately to the police or relevant government agency, and the SMJFL Child Safety Officer. The SMJFL will not attempt to investigate, mediate or conduct any hearing into any allegation of child abuse as this is the role of the police and the relevant government agency.

