



MEMBER PROTECTION POLICY

ATTACHMENT C – REPORTING REQUIREMENTS AND DOCUMENTS / FORMS

**Adopted by NSW Netball Association Ltd Board Meeting and effective as at
1 January 2017**

Last review date: 8th October 2013
Next review date: 13th December 2016

Netball NSW and Affiliates (where applicable and relevant) make available the attached forms to assist in the documenting of complaints received, both formal and informal, where necessary and appropriate.

Information about complaints, and any additional records and notes, will so far as reasonably practicable, be treated confidentially and stored securely.

Netball NSW and Affiliates treat allegations of child abuse or neglect seriously and will endeavour to treat such allegations promptly and with sensitivity.

Netball NSW and Affiliates (where applicable and relevant) will seek to ensure that everyone who works with netball in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their State or Territory.

Affiliate means a Premier League Licensee, Association, or Club, howsoever described, whether incorporated, unincorporated or otherwise, which is a member of Netball NSW.

ATTACHMENT C1 CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

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ATTACHMENT C1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint:		Date: / /
Complainant's Name:	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status in netball:	<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	
When/where did the incident take place?		
What are the facts relating to the incident, as stated by complainant?		
What is the nature of the complaint?(category/basis/grounds) <i>Tick more than one box if necessary.</i>	<input type="checkbox"/> Harassment OR <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/Sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Race <input type="checkbox"/> 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"/> Victimization <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other	

<p>What does the complainant want to happen to resolve the issue?</p>	
<p>What other information has the complainant provided?</p>	
<p>What is the complainant going to do now?</p>	

This record and any notes must be kept in a confidential and safe place. Do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the Hearings Officer/relevant personnel of Netball NSW or the Affiliate (whatever level the complaint was made).

ATTACHMENT C2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Details:	Name:	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
	Phone:		
	Email:		
Date Formal Complaint Received:			
Complainant's role/position in netball	<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		
Respondent's Details (person who the complaint is being made against)	Name:	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
	Phone:		
	Email:		
Is the Respondent a financial member of NNSW?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Respondent's role/position in netball	<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		
Date of alleged incident.			
Location/event of alleged incident.			

Description of alleged incident.	
Methods (if any) of attempted informal resolution.	
Support person (if any):	
Formal resolution procedures followed. (outline)	
If investigated:	Finding –
If heard by Tribunal:	Decision - Action recommended -
If mediated:	Date of mediation - Both/all parties present - Agreement - Any other action taken –
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 Netball NSW/ Affiliate: Signature: _____ Date: / /

This record and any notes must be kept in a confidential and safe place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the next level, the original must be forwarded to the higher body (i.e. Netball NSW) and a copy kept at the Netball NSW or Affiliate level (whatever level the complaint was made).

ATTACHMENT C3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing this form, please ensure that the steps outlined in Attachment B8 have been followed and advice has been sought from the relevant child protection agency and/or police.

Complainant's Name: (if other than the child)		Date Formal Complaint Received:
Role/status in netball:		
Child's name:		Age:
Child's address:		
Person's reason for suspecting abuse: (e.g. observation, injury, disclosure)		
Name of person complained about (Respondent):		
Is the Respondent a financial member of Netball NSW?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Role/status in netball:	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Witnesses: (if more than 3 witnesses, attach details to this form)	Name (1):	
	Contact details:	
	Name (2):	
	Contact details:	
	Name (3):	
	Contact details:	
Interim action (if any) taken: (to ensure child's safety and/or to support needs of the Respondent)		
Police contacted:	Who: When: Advice provided:	

Child Protection agency contacted.	Who: When: Advice provided:
CEO or Affiliate President or Secretary contacted.	Who: When:
Police investigation (if any).	Finding:
Child Protection agency investigation (if any).	Finding:
Internal investigation: (if any)	Finding:
Action taken:	
Completed by:	Name: Position in Netball NSW/ Affiliate: Signature: Date: / /
Signed by:	Complainant: (if not a child)

This record and any notes must be kept in a confidential place and safe place. If required, the form should be provided to the police and/or relevant child protection agency.

ATTACHMENT C4: 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)	
Mediation record completed by:	
Signed by:	Complainant: (signature)
	Respondent: (signature)

This record and any notes must be kept in a confidential and safe place. A copy should be retained by Netball NSW and/or Affiliate (whatever level the complaint was made).

ATTACHMENT C5: RECORD OF HEARINGS TRIBUNAL DECISION

Complainant's Name:		Date Formal Complaint Received:
Role/status in netball:	<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 Respondent:		
Role/status in netball:	<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	
Date of alleged incident:		
Location/event of alleged incident:		
Description of alleged incident:		
Nature of complaint: (basis/grounds/category) <i>Can tick more than 1 box.</i>	<input type="checkbox"/> Harassment OR <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/Sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Race <input type="checkbox"/> 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)	
Hearings Tribunal Members:	
Hearings Tribunal Date and venue:	
Hearings Tribunal Decision: (attach report)	
Action recommended and any follow up report required:	
Completed by:	Name:
	Position in Netball NSW / Affiliate:
	Signature:
Signed by:	Complainant:
	Respondent:

This record and any notes must be kept in a confidential and safe place. A copy should be retained by Netball NSW and/or Affiliate (whatever level the complaint was made).

ATTACHMENT C6: INCIDENT REPORT FORM

This report sheet is to be completed on incidents occurring within a competition and must be lodged with the relevant official of Netball NSW or the Affiliate in accordance with the specified timeframes.

Date: _____ Competition: _____ Division: _____

Teams: _____ v _____

If the incident is regarding the conduct of a player, please complete the following:

Offending Players Team: _____ Offending Players Position: _____

Offending Players Name: _____

If the incident is regarding the conduct of any other person, please complete the following:

Persons Name: _____ Persons Affiliate: _____

CHARGE:

Please tick appropriate offence. If more than one offence, tick all appropriate boxes.

Level 1

	<i>Offence</i>	<i>Description</i>
<input type="checkbox"/> 1.1	Abuse netball equipment, ground equipment or fixtures and fittings.	Includes actions which intentionally or negligently result in damage to the advertising boards, boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings.
<input type="checkbox"/> 1.2	Show dissent at an umpire's decision by action or verbal abuse.	Includes excessive, obvious disappointment with an umpire's decision or with an umpire making the decision and/or obvious delay in resuming play. This rule does not prohibit the team captain or coach from asking an umpire to provide an explanation for a decision, or a Team official from making a formal complaint to the UOP/ Affiliate official, against the performance of an umpire.
<input type="checkbox"/> 1.3	Use language that is obscene, offensive or insulting and/or the making of an obscene gesture.	This includes swearing and offensive gestures which are not directed at another person such as swearing in frustration at one's own poor play or fortune. This offence is not intended to penalise trivial behaviour. The extent to which such behaviour is likely to give offence shall be taken into account when assessing the seriousness of the breach.

Level 2

	<i>Offence</i>	<i>Description</i>
<input type="checkbox"/> 2.1	Show serious dissent at an umpire's decision by action or verbal abuse.	Dissent should be classified as serious where the dissent is expressed by a specific action such as displays of anger or abusive language directed at the umpire and/or excessive delay in resuming play or leaving the court. This rule does not prohibit the team captain or coach from asking an umpire to provide an explanation for a decision, or a Team official from making a formal complaint to the UOP / Affiliate official, against the performance of an umpire.
<input type="checkbox"/> 2.2	Engage in inappropriate and deliberate physical contact with other players or umpires during the course of play.	Without limitation, players will breach this regulation if they deliberately walk or run into or shoulder another player, umpire or match official.
<input type="checkbox"/> 2.3	Charge or advance towards an umpire in an aggressive manner.	
<input type="checkbox"/> 2.4	Deliberately and maliciously distract or interfere with another player or umpire during the course of play.	Without limitation, players will breach this rule if they deliberately attempt to distract an opponent or umpire by words or gestures.
<input type="checkbox"/> 2.5	Throw the ball at or near a player or official in an inappropriate and/or dangerous manner.	This rule will not prohibit a player from returning the ball in the normal fashion.
<input type="checkbox"/> 2.6	Use language that is obscene, offensive or of a seriously insulting nature to another player, official or spectator.	This is language or gestures which are directed at another person. Refer to the comments under rule 1.3 above in relation to the seriousness of the breach.

Level 3

	<i>Offence</i>	<i>Description</i>
<input type="checkbox"/> 3.1	Intimidate an umpire or official whether by language or conduct.	Includes appealing in an aggressive or threatening manner.
<input type="checkbox"/> 3.2	Threaten to assault another player, Team official or spectator.	Self-explanatory.
<input type="checkbox"/> 3.3	Use language or gestures that offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's race, religion, colour, descent or national or ethnic origin.	Self-explanatory.
<input type="checkbox"/> 3.4	Engage in acts of violence in the field of play.	This includes undue rough play and an attempt to strike with a clenched or open fist.

Level 4

	<i>Offence</i>	<i>Description</i>
<input type="checkbox"/> 4.1	Threaten to assault an umpire or official.	Self-explanatory.
<input type="checkbox"/> 4.2	Physically assault another player, umpire, coach, official or spectator.	This includes fighting and/or striking with a clenched/open fist and striking using a ball or another object.
<input type="checkbox"/> 4.3	Engage in acts of violence in the field of play.	This includes kicking or attempting to kick, deliberately tripping an opponent and/or deliberately elbowing an opponent.
<input type="checkbox"/> 4.4	Use language or gestures that seriously offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person on the basis of that person's race, religion, colour, descent or national or ethnic origin.	Self-explanatory.

Please answer the following:

1. Was a warning given to the player during the game? Yes No

2. Was the player suspended for a specified period during the game? Yes No

If yes for how long? (e.g. 3 centres, 1 interval) _____

3. Was the player ordered off (whole game)? Yes No

4. Was the player abusive towards the Official(s) after the game? Yes No

5. If the matter is referred to a Disciplinary Hearing, you may be required to appear and give evidence.

Will this cause difficulty for you? Yes No

Please give specifics of the offence (include word for word verbals or swearing) and list any witness/witnesses.



Name: _____ Signature: _____

Contact Information: _____

Signature of Netball NSW and/or Affiliate Official: _____

Date: _____ Time: _____

Netball NSW and/or Affiliate Official Use:

ATTACHMENT C7: APPLICATION TO APPEAL FORM

Appellant Information

Information contained in the Application to Appeal Form must be completed in BLOCK letters. Please complete ALL fields.

<i>Contact Details</i>	
Affiliate Name:	_____
Contact Person:	_____
Official Position:	_____
Address:	_____
Postal Address:	_____
Telephone (b/h):	_____
Telephone (a/h):	_____
Mobile:	_____
Email:	_____

1. The appellant appeals pursuant to (insert section and title of Constitution, By-Laws, Competition Rules, administrative decision etc. under which appeal is brought):

2. From a (state whether a decision, order, refusal etc. is appealed against):

3. By (insert name of person or committee appealed against):

4. On (insert date of decision etc. appealed against):

5. Matters appealed against are (set out brief description of matters appealed, including whether the appeal is against the whole decision, or part of a decision, and if a part which part or parts of the decision):

6. Grounds of the appeal are (set out fully the grounds of appeal in numbered paragraphs – if insufficient space the grounds of appeal should be included as an attachment):

7. Names of witnesses and representatives (include contact telephone numbers of people who are to provide information on your behalf to the Appeals Committee):

8. The following documents are attached in support of the appeal (set out documents, including title and dates):

9. Outcome requested (set out the outcome sought or in which way it is claimed the matter appealed against should be varied):

Signature: _____

Capacity: _____

ATTACHMENT C8: RIGHTS AND OBLIGATIONS OF COMPLAINANTS, RESPONDENTS AND WITNESSES

1. This document sets out the rights and obligations of persons directly involved in the complaint handling process as a complainant, respondent and/or witness. The rights and obligations are based upon the basic standards and codes of behaviour established under the Netball New South Wales Constitution and Member Protection Policy framework (the governing framework).
2. The standards of behaviour and traits required to be complied with by the Netball New South Wales governing framework establishes a commitment to develop and maintain high standards of conduct and professionalism by showing:
 - a. Respect
 - b. Fair and equitable treatment
 - c. Courtesy
 - d. Ethical treatment and conduct
 - e. Honesty and Integrity
 - f. Safety
 - g. Consideration of others
 - h. Professional conduct
 - i. Acceptance of Responsibility
3. Each person involved in the complaint process must act in a manner that conforms to the traits established by the Netball NSW governing framework, as identified at paragraph 2 above. With this in mind, each participant is to co-operate fully with the complaint management process. This includes the obligation to provide full and frank information and evidence, including relevant photos and documentation, and to be honest, truthful and fair when interviewed and/or responding to an Investigation Officer or other person appointed to deal with a complaint.
4. Each person must be afforded certain rights during the complaint handling process. In particular:
 - a. To be advised of the allegations against them (if any and where applicable);
 - b. To be provided with relevant evidence and information pertaining to the complaint that is relevant to them;
 - c. To have a support person made available;
 - d. To be given the opportunity to provide their information and/or evidence after the opportunity to consider the information provided at (a) and (b), if applicable;
 - e. Where deemed necessary, an opportunity to respond to any inconsistency that may have arisen that is pivotal to the complaint.

The rights and obligations are provided to ensure that procedural fairness is entrenched in the process and afforded to each affected person appropriately.

5. **Release of reports.** All persons are to be aware that any report drafted by the MPIO or Hearings Officer, including supporting evidence, may be made available to the complainant and/or respondent at the end of the process. It is Netball NSW's policy to support a request for release of such information directly to the complainant and respondent in order to ensure that the process is both transparent and fair, with relevant privacy redactions undertaken. In providing information to a complaint handling process, all persons are to be made aware of the potential for the information they have provided to be made available to others, either for comment and appraisal or as part of the report established to assist with the complaint handling process. All persons are to acknowledge, in writing, that such use of the information they provide will be used in such a manner.

Name

Signature

Date

ATTACHMENT C9: CONFIDENTIALITY NOTICE

This document outlines the responsibility associated with the confidentiality of information provided during the course of an investigation.

As a participant, you are not to engage in any discussion about the interview process, the discussions undertaken at the interview nor any information given and received during the interview process.

As an Investigation Officer, the information obtained will only be utilised as part of the investigation process to ensure that all steps have been taken to enable procedural fairness to take place. This may mean that information provided by you will be provided to a person to whom the information relates, if it is deemed necessary to do so. This has been outlined in the Privacy Notice document.

By signing this document, you agree that you will not discuss or divulge any information discussed during the interview and investigation process and nor will you discuss any aspect of the interview with any other party.

Name

Signature

Date

ATTACHMENT C10: PRIVACY NOTICE

This document is provided to outline the application of the NSW Privacy Policy to matters that are investigated under the NSW Member Protection Policy. Complaint handling is a key activity of NSW to maintain standards and codes of conduct across NSW and its Affiliates.

Any information that is provided as a complainant, witness and/or respondent that is personal information is protected by the law. Personal information is defined under the Commonwealth *Privacy Act* as follows:

personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

NNSW's policy is that complaints made by persons who wish to remain anonymous are not looked into as this precludes the respondent from being afforded procedural fairness. Generally, a person has the right to know who has said what about them to enable them an opportunity to have access to the complete circumstances surrounding allegations and incidents. This accords with Australian Privacy Principle 2.2—*anonymity and pseudonymity*- which provides that persons having the option of anonymity or the use of a pseudonym in relation to a particular matter does not have to be enforced where:

- (b) it is impracticable for the APP entity to deal with individuals who have not identified themselves or who have used a pseudonym.

The investigation process requires information to be collected to enable all persons involved to be presented with the relevant information and evidence to enable persons to have the ability to provide input as required. Thus the primary purpose is to ensure all evidence pertaining to the complaint is collected and presented to the relevant persons during the process. This means that any information that you provide is going to be advised to those persons who are directly affected and/or implicated by the information that you provide. However, any information pertaining to your personal information such as your address, contact details and date of birth are not going to be disclosed to any other person. All information provided will remain confidential and treated as such and will only be utilised as part of the investigation process.

At the completion of the investigation process, a report will be drafted and delivered to the Hearing Officer who directed that the investigation take place. The information will be utilised to enable the Hearing Officer to determine how to proceed with the matter; nonetheless, the information will remain confidential and kept securely within NNSW premises. However, if it is deemed appropriate that the outcome be made available to the relevant Affiliate/s that you are involved in to ensure consistency of actions.

Any person who is part of the investigation has the right to seek a copy of the report however, in such an instance, privacy deletions will be undertaken to ensure that only that information that is relevant to the requester is provided.

By signing this document, you acknowledge the purpose of the investigation process and grant permission for the information you provide to be utilised during the investigation process in a manner deemed appropriate. You further acknowledge that confidentiality will be afforded you and your information at all stages, as required and appropriate.

Name

Signature

Date

**ATTACHMENT C11: PARENT/GUARDIAN AUTHORITY TO ALLOW CHILD TO PARTICIPATE ON
RECORD OF INTERVIEW**

I, _____, parent/guardian of _____, after having discussed the interview request with my daughter and my daughter having agreed to undertake such, hereby give permission for my daughter, _____ to participate in a record of interview with **insert name**, Investigation officer appointed on **insert date** by **insert name**, Hearing Officer, to look into the allegations raised in the Appointment documentation.

I have also discussed with my daughter that she is to be accompanied by an adult or guardian during the interview and she is happy for _____ to be present.

Name

Signature

Date