

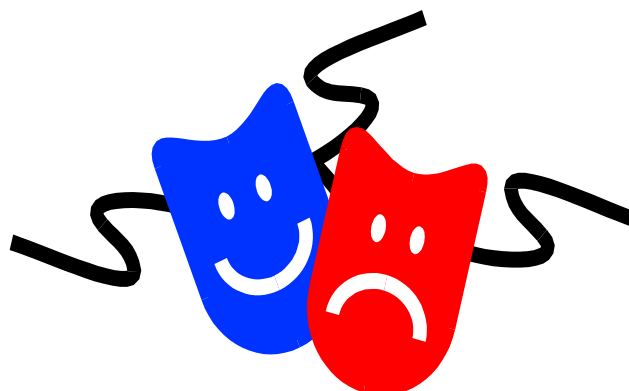


CHATS Productions Inc Constitution

As per the Model Constitution

Under the *Associations Incorporation Act 2009*

Appendix 2 Member Protection Policy



CHATS PRODUCTIONS INC MEMBER PROTECTION POLICY

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*[Committee still reviewing this – will eventually include Rules of Conduct as well as role descriptions for Directors] *I've copied in what has been created so far...*

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REVIEW HISTORY OF CHATS MEMBER PROTECTION POLICY

Version	Date reviewed	Date endorsed	Content reviewed/purpose
<i>One</i>	<i>Created November 2011</i>	<i>Approved at AGM February 2012</i>	<i>Uptake by CHATS Productions Inc and incorporated into CHATS' By-Laws</i>
<i>Two</i>	<i>Created 15/08/2012</i>	<i>Approved ordinary meeting 25th August 2012</i>	<i>Preface statement by President of CHATS added.</i>
<i>Three</i>	<i>[insert month/year reviewed]</i>	<i>[insert month/ year endorsed]</i>	•
<i>Four</i>	<i>[insert month/year reviewed]</i>	<i>[insert month/ year endorsed]</i>	•

PREFACE

CHATS' is committed to provide an environment safe for children. CHATS' provides an environment that is free from harassment, discrimination and abuse for everyone, and promotes respectful and positive behaviour and values.

Our Member Protection Policy provides a code of behaviour, forming the basis of appropriate and ethical conduct which everyone must abide by.

As President of CHATS, I am committed to ensuring that everyone associated with the organisation complies with the policy.

Rex Madigan

CHATS Productions Inc

15/08/2012

PART A: CHATS' Member Protection Policy

1. Introduction

CHATS Productions Inc aims to sustain a healthy membership where members can work and play in a safe, fun and fair environment. This Member Protection Policy works towards that aim, in that it makes clear the behaviour CHATS wishes to promote as well as the behaviour considered to be unacceptable, and outlines a comprehensive complaints resolution procedure.

2. Purpose of this policy

This CHATS Member Protection Policy (policy) aims to maintain ethical and informed decision-making and responsible behaviours within our club. 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 club 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 club. As part of this commitment, CHATS will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the Committee and incorporated into our By-Laws. The policy starts on 25 February 2012 and will operate until replaced. Copies of the current policy and its attachments can be obtained from the Secretary and the CHATS website at <http://chats.org.au/>.

3. Who this Policy Applies To

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

- 3.1 Persons appointed or elected to committees and sub-committees;
- 3.2 Employees of CHATS
- 3.3 Members of the CHATS Executive
- 3.4 Members, including life members of CHATS;
- 3.5 Any other person including audience members, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy

This policy will continue to apply to a person, even after they have stopped their association or employment with CHATS, if disciplinary action against that person has commenced.

4. Responsibilities of the Organisation

The CHATS Committee must:

- 4.1 Publish, distribute and promote this policy and the consequences of breaches;
- 4.2 Promote and model appropriate standards of behaviour at all times;

- 4.5 Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this policy consistently;
- 4.7 Recognise and enforce any penalty imposed under this policy;
- 4.8 Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- 4.9 Appoint an appropriate Committee member to receive and manage complaints and allegations;
- 4.10 Monitor and review this policy at least annually.

5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of the policy and complying with its standards of behaviour;
- 5.2 Complying with our screening requirements and any Working with Children checks;
- 5.3 Placing the safety and welfare of children above other considerations;
- 5.4 Being accountable for their behaviour;
- 5.5 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; and
- 5.6 Complying with any decisions and/or disciplinary measures imposed under this policy.

6. Position Statements

6.1 Child Protection

CHATS acknowledges that its members and volunteers provide a valuable contribution to the positive experiences of children involved in our club. CHATS aims to continue this and to take measures to protect the safety and welfare of children participating in theatre by:

- Prohibiting any form of abuse against children;
- Ensuring people have completed a satisfactory Working with Children Check where the relevant state/territory law requires this [*state/territory requirements are summarised in Part C of this policy*];
- Carefully selecting and screening people over the age of 16 years who work, coach or have regular unsupervised contact with children;
- Promoting and enforcing our codes of behaviour, particularly for roles associated with juniors;
- Responding to all reports and complaints of abuse promptly, seriously and confidentially;
- Making information about child protection available, particularly for roles associated with children;
- Adopting practices that reduce risks and provide the greatest opportunity of having a child safe environment.

Anyone who reasonably suspects that a child has been or is being abused by someone within our club, is to report it immediately to the police or relevant government agency, as well as the President of CHATS (Director? Stage Manager?). Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 10. If anyone 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.

A person will not be victimised for reporting possible child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in attachment D4.

6.2 Taking Images of Children

Images of children can be used inappropriately or illegally. CHATS 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.

If CHATS uses an image of a child 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 pedophiles or other persons. We will only use appropriate images of a child, relevant to our club and the production in which the child is participating, and ensure that the child is suitably clothed in a manner that promotes the club and/or the production.

We require our members to do likewise.

6.3 Anti-Discrimination and Harassment

CHATS' opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary at [*clause 10*], are against the law.

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 attachment D1 of this policy. This will explain what to do about the behaviour and how CHATS will deal with the problem.

6.4 Gender Identity

Everyone bound by this policy must treat people who identify as transgender 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 of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary at [*clause 10*].

CHATS' recognises that the exclusion of transgender people from participation in theatrical events has significant implications for their health, well-being and involvement in community life. In general, CHATS will facilitate transgender persons participating in our group with the gender with which they identify.

7. Complaints Procedures

7.1 Complaints

CHATS aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent). Such complaints should be reported to the President or the Director or Stage Manager of a production.

The lowest level at which a matter can be dealt with shall always be preferred.

A complaint may be dealt with informally or formally. The complainant usually decides this unless the Committee considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment D1.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

7.2 *Vexatious Complaints & Victimisation*

CHATS aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process a member considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Committee for appropriate action which may include disciplinary action against the complainant.

CHATS will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

7.3 Mediation

CHATS aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the President will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent. More information on the mediation process is outlined in attachment D2.

8. 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 do anything contrary to this policy, including but not limited to:

- 8.1 Breaching the Codes of Behaviour (attachment B to this policy);
- 8.2 Bringing the club and/or the committee into disrepute, or acting in a manner likely to bring the club and/or the committee into disrepute;
- 8.3 Failing to follow CHATS policies (including this policy) and procedures for the protection, safety and welfare of children;
- 8.4 Discriminating against, harassing or bullying (including cyber bullying) any person;
- 8.5 Victimising another person for reporting a complaint;
- 8.6 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the club;
- 8.8 Disclosing to any unauthorised person or organisation any CHATS information that is of a private, confidential or privileged nature;
- 8.9 Making a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 8.10 Failing to comply with a disciplinary measure imposed after a finding that the individual or organisation has breached this policy; or
- 8.11 Failing to comply with a direction given to the individual or organisation during the discipline process.

9. Disciplinary Measures

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:

- *Be applied consistent with any contractual and employment rules and requirements;*
- *Be fair and reasonable;*
- *Be based on the evidence and information presented and the seriousness of the breach; and*
- *Be determined in accordance with our Constitution and By Laws, and this policy.*

9.1 Individuals

Subject to contractual and employment requirements, if a finding is made by the Committee that an individual has breached this policy, one or more of the following forms of discipline may be imposed:

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's membership, appointment or engagement;
- 9.1.8 A recommendation that the committee terminate the individual's membership, appointment or engagement;
- 9.1.9 Any other form of discipline that the Committee considers appropriate.

9.2 Factors to consider

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- Nature and seriousness of the breach;
- If the person knew or should have known that the behaviour was a breach;
- Level of contrition;
- The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;

- If there have been relevant prior warnings or disciplinary action;
- Ability to enforce discipline if the person is a family member or ticket holder (even if they are bound by the policy); and/or
- Any other mitigating circumstances.

10. 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 specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State child protection commission or equal opportunity and anti-discrimination commission.

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.

Child means a person who is under the age of 18 years

Child abuse involves conduct which puts 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, including 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 alcohol or drugs; or directions that exceed 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).

Complaint means a complaint made under clause 7.

Complainant means a person making a complaint.

Complaint Handler/Manager means a person appointed under this policy to investigate a Complaint.

Discrimination means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or 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 (Indirect Discrimination). 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.

(Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above).

Examples of Discrimination

- **Age:** A club refuses to allow an older person to direct a play simply because of age.
- **Breastfeeding:** A member of the cast who is breastfeeding a baby in the green room of the theatre is asked to leave.
- **Disability:** A member is overlooked for a role because of mild epilepsy.
- **Family responsibilities:** A club decides not to select a person to handle props for a production because she has a child with a disability even though the person is eager and the best person for the job.
- **Gender Identity:** A transgender stage manager is harassed when fellow cast and crew refuse to call her by her female name.
- **Homosexuality:** A lighting technician is ostracised from the crew after it becomes known that she is a lesbian.
- **Marital Status:** A cast member is deliberately excluded from cast activities and social functions because she is single.
- **Pregnancy:** A woman is dropped from a production when she becomes pregnant, although this would have had no impact on her ability to carry out her tasks or to play a particular character.
- **Race:** A Muslim member is not selected for a role in a production about the impact of terrorism because of his race.
- **Sex:** Specialist direction is only offered to male players in a mixed cast.

Harassment is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some 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 but is usually repeated. It may be explicit or implicit, verbal or non-verbal.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing theatrical goods and services including access to theatrical and club facilities; when providing education and accommodation; the selection or otherwise of any person for cast and crew of a production (domestic or international); the entry or otherwise of any 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 theatrical activity for females only of any age where strength, stamina or physique is relevant (such as trapeze or high wire work) or
- not selecting a participant for a role or position if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular activity.

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

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a cast member is ostracised by her male director for complaining about his sexist behaviour or for supporting another cast member who has made such a complaint.

Public acts of racial hatred which are reasonably likely 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. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Mediator means an impartial/neutral person appointed to mediate Complaints.

Member has the same meaning given to it by clause 1 of the CHATS Objectives, Rules and By-Laws

Natural justice (also referred to as procedural fairness) incorporates the following principles:

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must be fair.

Police check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

This policy means this Member Protection Policy.

Respondent means the person who is being complained about.

Role-specific codes of conduct (or behaviour) means standards of conduct required of certain roles (e.g. directors).

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.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimisation means subjecting a person or threatening to subject a person to any detriment 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 such a person.

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.

PART B: CODES OF BEHAVIOUR (Still under construction)

1. Courtesy will be maintained at all times. If you have a problem with another member, please discuss with it with the director of the production, or the stage manager, or the President. CHATS have a Member Welfare policy as part of its By-Laws. This is available for download on the CHATS website and will give you some guidance on how to resolve the matter.
2. Please be aware that some of our productions involve minors. CHATS encourages cast and crew camaraderie, but asks you to use appropriate language and behaviour around minors.
3. No cast member is to be front of house prior to or during a performance.
4. No cast member is to appear in costume or makeup outside of the stage of change area without the permission of the Stage Manager.
5. All visitors and family are barred from backstage until after the performance is completed.
6. There is to be no smoking or drinking of alcohol in any backstage area or in the lighting box.
7. The Stage Manager is responsible for the running of a performance from the commencement of the final dress rehearsal.
8. The Director shall only be allowed to speak to the cast or crew prior to or during a performance with the permission of the Stage Manager.
9. The Front of House Manager has full control of Front of House after commencement of the opening performance.
10. There will be no onstage presentations or speeches before, during, or after a performance.
11. If you have an issue or a complaint CHATS encourages you to do something about it. Please refer to our complaints resolution procedure which you'll find in the CHATS Constitution under the Member Protection Policy.

[insert the CHATS Code of Behaviour here – ideally, we would want codes for each of the roles i.e. director, stage manager, cast and crew, that could be summarised into a generic one page code of conduct for members]

[Note: Codes of behaviour are generally not binding on non-members such as parent/guardians and audience members unless they have signed the codes or other form/document agreeing to be bound by the codes and the member protection policy. It may therefore be difficult to discipline a parent/guardian or audience member under this policy. This will vary for every organisation and depends on what measures have been taken to bind 'non-members' to the policy (e.g. through purchasing tickets to venues, through a child's membership form).]

PART C: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

Background

Child protection is about keeping children safe from harm/abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Northern Territory government has passed new law and screening will be compulsory from January 2010. The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our club's Member Protection Policy.

The following attachment C1 provides summary information on NSW WWCC requirements and where to obtain more information and relevant forms.

Attachment C1: NSW WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

The following information was updated in April 2009. It is subject to change at any time.

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children. The WWCC involves three components:

1. **Ensuring** all paid and unpaid employees sign a **Prohibited Employment Declaration** which states they are not prohibited from working with children.
2. **Submitting** all applicants for **paid** employment to NSW Sport and Recreation for a WWCC background check. NSW Sport and Recreation only carries out checks for paid employees.
3. **Reporting** relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child/ren.

Organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Organisations should register with the **NSW Commission for Children and Young People** providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months.

For more information, including the required forms:

- www.kids.nsw.gov.au or 02 9286 7219
- www.dsr.nsw.gov.au/children/resources.asp or 02 9006 3700

PART D: COMPLAINT HANDLING PROCEDURES

Attachment D1: COMPLAINTS PROCEDURE

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.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.

If you wish to remain anonymous, CHATS may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that CHATS is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

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 the President or Director/Stage Manager of a production

Talk with one of these people 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.

The President/Stage Manager/Director will:

- take confidential notes about your complaint;
- try to find out the facts of the problem from you;
- 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. a Committee member, 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 confidentiality.

Step 3: Outcomes from initial contact

After talking with the President/Stage Manager/Director, 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); or
- to seek a mediated resolution with the help of a third person (such as a mediator); or
- to seek a formal approach.

FORMAL APPROACHES

Step 4: Making a Formal complaint

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

- make a formal complaint in writing to the Committee; or
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the Committee will decide whether:

- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to appoint a person to **investigate** (gather more information on) the complaint;
- to refer the complaint to mediation;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the Committee will take into account:

- whether any Committee member has had any personal involvement in the circumstances which means that they should remove themselves from the decision-making process;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

The Committee 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 this policy.

Step 5: Investigation of the complaint

- A person appointed under Step 4 will conduct an investigation and provide a written report to the Committee who will then determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with Attachment C2 or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to the police or other appropriate authority, the Committee 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 CHATS unless otherwise stated in the relevant Attachment.

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that the Committee reconsider the complaint in accordance with **Step 4**.

You or the respondent(s) may be entitled to appeal.

Step 7: Documenting the resolution

The Secretary will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place.

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 the NSW 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 Committee 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. a Committee member) 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 during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by CHATS.

1. If mediation is chosen, the President or other designated Committee member will, under the direction of the Committee, 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:
 - a. Write to the Committee to request that the Committee reconsider the complaint in accordance with **Step 4**; *or*
 - b. Approach an external agency such as an anti-discrimination commission.
6. Mediation will **not** be recommended if:
 - a. The respondent has a completely different version of the events and will not deviate from these;
 - b. The complainant or respondent are unwilling to attempt mediation;
 - c. 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*
 - d. The matter involves proven serious allegations, regardless of the wishes of the Complainant.

Attachment D3: INVESTIGATION PROCESS

If an investigation needs to be conducted to gather more information the following steps will be followed:

1. We will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
 - 1.1 Interview the complainant and record the interview in writing.
 - 1.2 Convey full details of the complaint to the respondent (s) so that they can 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 there is a dispute over the facts
 - 1.5 Make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - mischievous, vexatious or knowingly untrue.
 - 1.6 Provide a report to the Committee documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser.
4. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation.

Attachment D4: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in CHATS in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State or Territory government agencies.

Step 1 – Initial Receipt of an Allegation

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:

- Stay calm;
- Listen, 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;
- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- Do not contact the alleged offender.

Step 2 – Report allegations

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the President so that they can advise the Committee and manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

Step 3 – Protect the child and manage the situation

- The Committee will assess the risks and take interim action to ensure the child's/children's safety. Action the Committee may implement includes 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.
- The Committee will consider the kind of support that the child/ren and parents may need (e.g. counselling, helplines, support groups).
- The Committee will address the support needs of the alleged offender.
- The Committee will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 – Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
 - Criminal (conducted by police)
 - Child protection (conducted by child protection authority)
 - Disciplinary or misconduct (conducted by the Committee)
- Irrespective of the findings of the child protection and/or police inquiries, the Committee will assess the allegation to decide whether the person should be reinstated, banned, have their employment or membership terminated or any other action.
- The decision-maker(s) will be the Executive of the Committee and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined in Clause 9 of the policy will be followed.
- If disciplinary action is taken, the Committee will advise and provide a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

What information provided	
What they are going to do now	

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

Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's Role/status	<input type="checkbox"/> Front of House (volunteer) <input type="checkbox"/> Cast/Crew member <input type="checkbox"/> Director/Assistant Director <input type="checkbox"/> Committee member	<input type="checkbox"/> Parent <input type="checkbox"/> Audience <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/status	<input type="checkbox"/> Front of House (volunteer) <input type="checkbox"/> Cast/Crew <input type="checkbox"/> Director/Assistant Director <input type="checkbox"/> Other <input type="checkbox"/> Committee Member	<input type="checkbox"/> Parent <input type="checkbox"/> Audience member <input type="checkbox"/> Employee (paid)
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist methods <input type="checkbox"/> Selection dispute <input type="checkbox"/> Directing <input type="checkbox"/> Sexuality abuse <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal <input type="checkbox"/> Race abuse <input type="checkbox"/> Bullying <input type="checkbox"/> Physical <input type="checkbox"/> Religion Victimization <input type="checkbox"/> Disability <input type="checkbox"/> <input type="checkbox"/> Pregnancy decision <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair <input type="checkbox"/> Other	

Methods (if any) of attempted informal resolution	
Formal resolution procedures followed (outline)	
If investigated: Finding -	
If mediated: Date of mediation - Were both parties present - Terms of 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: Signature: / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential place.

Attachment E3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in attachment C4 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 Formal Complaint Received: / /
Role/status in club		
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 club	<input type="checkbox"/> Front of House (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Cast/crew <input type="checkbox"/> Audience member <input type="checkbox"/> Director/Assistant Director <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Committee Member	
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:
President contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: 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.