



# Western Australian Cricket Association Member Protection Policy

*Member Protection Policy Statement  
Code of Conduct  
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Rights and Responsibilities  
Harassment and Anti-discrimination  
Procedures for Addressing Protection Breaches*

## **POLICY STATEMENT**

1. The WACA is committed to providing an environment that is safe for participation in cricket-related activities. The WACA will not abide in the criminal act of child sexual maltreatment, which occurs when a child, that is a person under the age of 18 years ("**Youth**"), has been exposed or subjected to sexual behaviors or acts which are exploitative and/or inappropriate to his or her developmental level. Such behavior involves a wide range of sexual activities which exploit Youth and includes forcing, tricking, bribing, threatening or pressuring a Youth into sexual activity. The "Member Screening Policy" is an addendum to this policy and should be read regarding the process for obtaining Police Clearances for those working with Youths.
2. This Member Protection Policy conveys a message to all members and prospective members, responsible for cricket-related activities, particularly those involving Youth members, about minimising risk exposure. Managers, coaches, officials, leaders, trainers and management personnel, have a responsibility to provide safeguards dedicated to the well-being of those Youths.
3. The abuse of Youth members, by other members or any external source, is not acceptable and the WACA encourages all incidents of such abuse as described above to be reported immediately to the appropriate authorities.

## **CODE OF CONDUCT**

4. The WACA endorses the following Code of Conduct for those responsible for activities involving Youth. As a member you should

meet the following requirements in regard to your conduct during cricket-related activity.

*Specifically:*

**A Manager will:**

- agree to abide by the code of conduct;
- be responsible for the overall welfare and well-being of team members and officials when travelling with a team; and
- maintain a 'duty of care' towards team members and an accountability for the management of the team.

**A Coach/ Trainer will:**

- agree to abide by the code of conduct;
- be responsible for matters concerning the coaching, training and development of a team;
- maintain a 'duty of care' towards others and an accountability for matters relating to training and competition;
- ensure that any physical contact with others is:
  - i) appropriate to the situation;
  - ii) necessary for the persons skill development; and
- provide a safe environment for training and competition.

**An Official/Administrator will:**

- agree to abide by the code of conduct;
- be fair, considerate and honest with others;
- operate within the rules of the WACA and their local Club/Association;
- be professional in their actions. Their language, presentation, manner and punctuality should reflect high standards;
- resolve conflicts fairly and promptly through established procedures;
- maintain strict impartiality;
- maintain a safe environment for others; and
- show concern and caution towards others.

## **PROTECTIVE MEASURES**

The protective measures below apply to those members who undertake the delivery or supervision of Youth activities in their capacity as managers, coaches, trainers, officials, administrators, etc. These are responsible positions in the organisation and as such must adopt the following risk minimisation measures to protect themselves from any misconceptions about their behaviour in performing their designated roles.

1. Do not engage, or allow others to engage, in any of the following:

- abusive initiation ceremonies;
  - sleeping in closed quarters with Youths without a second adult representative, parent, etc.;
  - aggressive, physically distressing or sexually provocative activities;
  - sexually suggestive comments about or to a Youth; or
  - inappropriate or intrusive touching of a Youth.
2. Maintain an open door policy when conducting briefings, meetings and assemblies of members. Invite all Youths, parents, friends and other leaders to participate, particularly when performing interviews, transporting Youth members and conducting excursions.
  3. Male and female adults or parents must accompany Youths when undertaking cricket-related activities away from home and especially overnight.

*This list of risk minimization strategies is not exhaustive but is designed to be a guide on which organisations can build.*

## **RIGHTS AND RESPONSIBILITIES**

The organisation's members, Youth and adult, reserve certain rights as members and carry with them certain responsibilities. These should be stated within this policy.

### **Youths have the right to:**

- be safe;
- be listened to;
- be respected;
- privacy;
- take calculated risks in a protective environment;
- an inclusive environment;
- be referred to professional help if needed; and
- be protected from abuse by other members or outside sources.

### **Members have the right to:**

- have access to ongoing training and information on all aspects of leading/managing activities for youths, particularly member protection;
- support in the reporting of suspected abuse;
- have access to professional support services; and
- be protected from abuse by Youths, other adult members and parents.

### **The organisation has the right to:**

- expect all members to comply with its Code of Conduct;

- expect all Youth members to maintain standards of reasonable behaviour;
- take appropriate action if members breach the Code of Conduct or organisation's Member Protection Policy;
- expect all members to undertake appropriate training when advised to;
- expect all members not to abuse members physically, emotionally or sexually;
- take appropriate action in the event of accusations; and
- acquire police checks relating to convictions in relevant areas.

**Youths are responsible for:**

- showing respect to both Youth and adult members;
- keeping themselves safe;
- accurately reporting inappropriate behaviour or risky situations for Youth members.

**Members are responsible for:**

- fostering team work to ensure the safety of Youth members in their care;
- using appropriate team management behaviour;
- responding to Youth members' statements concerns about alleged abuse;
- ensuring the rights and responsibilities of Youth members are enforced;
- reporting suspected abuse to the appropriate authority;
- not abusing members physically, emotionally or sexually; and
- maintaining confidentiality about sensitive information as designated by the appropriate authority.

**The organisation is responsible for:**

- providing a safe environment for members;
- providing ongoing training and information for member's wide promotion this policy and procedures;
- facilitating open discussion on child protection issues;
- providing support to members who report accusations of abuse;
- treating suspected abuse information confidentially; and
- taking appropriate action if members breach standards of reasonable behaviour or policies and regulations.

**HARASSMENT AND ANTI-DISCRIMINATION**

**Policy Statement**

1. The WACA aims to provide a sports environment where all those involved in cricket activities are treated with dignity and respect and

without Harassment or discrimination. The WACA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their race, colour, religion, language, politics, national or ethnic origin, gender, transgender, sexual orientation, age, marital status, pregnancy or intellectual or physical impairment or any other specific attribute (“Attribute”).

2. This policy applies to all employees, directors, officers, volunteers, coaches, athletes, officials, professional personnel and members of the WACA.
3. This policy applies to behaviour occurring both within and outside the course of the WACA’s business, activities and events, when the behaviour involves individuals associated with the WACA and negatively affects relationships within the organisation’s sport and work environment.

### **Definitions**

4. Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, because of a particular characteristic of that person or people (including the person or people’s level of empowerment relative to the harasser). The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as unwelcome.
5. Behaviour constituting harassment can take many different forms and may be explicit or implicit, physical, verbal or non-verbal. Examples include, but are not limited to:
  - written, verbal or physical abuse or threats;
  - unwelcome physical contact;
  - display of offensive materials;
  - promises or threats in return for sexual favours;
  - unwelcome sexual comments, jokes or propositions;
  - homophobic comments or behaviours; or
  - jokes or comments directed at a person’s body, looks or Attributes.
6. Discrimination is defined generally as treatment of a person less favourably on the basis of an Attribute than someone else without an Attribute in the same or similar circumstances. Further, a Member

must not impose a requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is reasonable in all of the circumstances it is likely to be discriminatory, even if there was never any intention to discriminate.

### **Responsibilities**

7. The WACA is responsible for taking all reasonable steps to prevent harassment and discrimination and ensuring its position is widely known through all levels of the WACA's activities.
8. The WACA will ensure that appropriate procedures are identified and implemented to handle harassment and discrimination complaints.
9. All employees, members, professionals and other persons associated with WACA are responsible for complying with this policy.

### **Confidentiality**

10. The WACA management and officers responsible for implementing this policy will keep confidential the names and details related to harassment and discrimination complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

## **PROCEDURES FOR ADDRESSING PROTECTION BREACHES**

Any person may report a complaint about a person bound by this policy if they reasonably think that such a person has breached this policy.

### **Internal**

#### **Informal Process**

1. The person being harassed or discriminated against makes an initial approach to their choice of one of the following people, who then provides information about whether the behaviour constitutes harassment or discrimination and about the options for resolution.

They are:

- an officer designated to take responsibility for resolving harassment and discrimination complaints (complaints officer);
- a supervisor, coach or manager;
- a colleague; or
- an official of the organisation (as appropriate).

2. The person approached must clarify whether the complainant wants them to act as a mediator or simply wishes to talk the matter through with them. If the complainant does want them to help resolve the complaint, then they will do this at an informal

level. In their management role, they must do so in an impartial manner with respect to both parties.

3. There is no written complaint at this stage.

### **Formal Process**

4. If the matter is not resolved with the support and advice of the person initially approached, the complainant can make a formal complaint in writing about the alleged harassment to the complaints officer (person delegated by the WACA).
5. The complaints officer should attempt to resolve the complaint between the parties concerned by mediation, unless this has already been attempted without success or is clearly not appropriate in the circumstances (for example, the complainant is too distressed to face the alleged harasser).
6. If mediation fails, or is not feasible, the complaints officer must then ensure that a fair and impartial investigation is made of the allegations, and that appropriate action is taken to resolve the complaint and, where necessary, to sanction the harasser.
7. The investigation is then conducted by a fairly constituted panel or a suitably skilled and impartial individual from within or outside the organisation/sport (this is likely to be the complaints officer). Natural justice is to be observed for the alleged harasser.
8. The typical steps for an investigation consistent with the principles of natural justice are:
  - (a) the complainant is interviewed and the complaint is documented in writing;
  - (b) the allegations are conveyed to the alleged harasser in full;
  - (c) the alleged harasser is given the opportunity to respond;
  - (d) if there is a dispute over the facts, statements from witnesses and other relevant evidence is gathered;
  - (e) a finding is made as to whether the complaint has substance;
  - (f) a report documenting the investigation process, the evidence, the finding and the recommended outcome/s is submitted to the decision maker (normally the senior official with responsibility for the anti-harassment policy).
9. Both parties are entitled to support through this process from their chosen support person/adviser.
10. If the report is endorsed by the decision maker, the organisation then carries out the recommendations of the report. These may include such actions as an apology, counseling, a fine, dismissal or withdrawal of coaching/official accreditation.

## **External**

- 11.** A complainant may be dissatisfied with the outcome of harassment procedures within an organisation/sport as a whole, or may not wish to use procedures internal to the sport at all because of a lack of confidence in them. In this case, the complainant can utilise complaint procedures external to his/her organisation or sport.
- 12.** Harassment of various kinds is unlawful under state and federal anti-discrimination laws in Australia, and complaints under these laws are dealt with by state and federal anti-discrimination bodies.
- 13.** A person experiencing harassment can seek initial advice from one of these bodies without being obliged to make a complaint. If that body advises that the conduct being experienced appears to be a type of harassment that comes within its jurisdiction, the harassed person then makes the decision as to whether or not to lodge a formal complaint to the body.
- 14.** Once a complaint is received, an investigation will be undertaken. If there appears to be a case that unlawful harassment has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the matter may proceed to a formal public hearing, where a finding will be made as to whether harassment occurred. Various remedies may then be prescribed by the tribunal.
- 15.** These can include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred by the complainant.
- 16.** It should be noted that an anti-discrimination body can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

## **Appeals**

- 17.** Both the complainant and the respondent have the right to appeal against the findings of the investigator/panel or against the resulting recommended action if they have any concerns about procedure, bias or fairness. Appeals must be handled by an appeal panel made up of members other than those who conducted the original investigation.
- 18.** The appeal body can uphold the decision of the investigator/panel, reverse the decision of the investigator/panel, and/or modify any of the investigator/ panel's recommendations for disciplinary action or remedial measures.

19. If the internal investigation, appeal and disciplinary procedures do not achieve a satisfactory outcome for the complainant, or if the complainant believes it would be impossible to get an impartial investigation within the organisation/sport, he/she may choose to approach their State association to assist with a resolution. These bodies are responsible for dealing with disputes within their organisation/sport.

### **Policy Review and Approval**

The WACA board of directors approved this policy on November 30, 2005.

The WACA director responsible for this policy will ensure a review of the policy is conducted periodically.

Cricket Associations should formally adopt the WACA Member Protection Policy if it is to apply in their Association.

Associations and clubs should note and adhere to the legal requirements of the Working With Children's Act. Please visit [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au).