



**KUNG FU WUSHU WA INC.
CODE OF CONDUCT &
COMPLAINT MANAGEMENT POLICY**

**VERSION 2.1
15 DECEMBER 2018**

The following can also be found in the Participant Protection Policy:

PART B: CODES OF BEHAVIOUR

We seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behavior of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

Our codes of behaviour are underpinned by the following core values.

- To act within the rules and spirit of our sport.
- To display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- To prioritise the safety and well-being of children and young people involved in our sport.
- To encourage and support opportunities for participation in all aspects of our sport.

ATTACHMENTS

- Attachment B1 National Code of Practice for Martial Arts Centres and Instructors
- Attachment B2 Code of Practice for Martial Art Event Organisers and Tournament Promoters
- Attachment B3 Code of Practice for Martial Arts Retailers
- Attachment B4 MAIA Code of Ethics

These Attachments are available on the Kung Fu Wushu Australia Website:

<http://www.kungfuwushuaustralia.com/publications.php>

7. Complaints procedures

7.1 Handling complaints

Kung Fu Wushu WA aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been any other breach of this policy.

In the first instance, complaints should be reported to the WA Participant Protection Officer or Complaints Manager.

If a complaint relates to behaviour or an incident that occurred at the:

- state level, or involves people operating at the state level, then the complaint should be reported to and handled by the Kung Fu Wushu WA in the first instance
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to, or which occurred at, the national level, as well as serious cases referred from the state and club level, should be dealt with by the national body.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the WA Participant Protection Officer or Complaints Manager should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment D1.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

7.2 Improper complaints and victimisation

Kung Fu Wushu WA aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the WA Participant Protection Officer or Complaints Manager considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred in writing to the Participant Protection Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

7.3 Mediation

Kung Fu Wushu WA aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It 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 WA Participant Protection Officer or Complaints Manager will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to negotiate on behalf of the complainant and/or the respondent.

More information on the mediation process is outlined in Attachment D2.

7.4 Tribunals

A Participant Protection Tribunal as described in our By-laws may be convened to hear a formal complaint:

- referred to it by the WA Participant Protection Officer or Complaints Manager
- referred to it or escalated by a Member, because of the serious nature of the complaint, because it was unable to be resolved at the Club level or because the KW WA policy directs it to be
- referred to it by the National KWA Complaints Manager as more appropriately dealt with at the WA rather than National level
- for an alleged breach of this policy].

Our Participant Protection Tribunal procedure is outlined in Attachment D4.

A respondent may only lodge an appeal to the Participant Protection Appeal Tribunal in respect of a Participant Protection Tribunal decision. The decision of the Participant Protection Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Attachment D4.

Every organisation bound by this policy will recognise and enforce any decision of a Participant Protection Tribunal or Participant Protection Appeal Tribunal under this policy.

8. What is a breach of this policy?

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

- 8.1 breaching the codes of behaviour (see Part B of this policy)
- 8.2 failing to follow Kung Fu Wushu WA policies (including this policy) and our procedures for the protection, safety and well-being of children
- 8.3 discriminating against, harassing or bullying (including cyber-bullying) any person
- 8.4 victimising another person for making or supporting a complaint
- 8.5 engaging in an inappropriate relationship with a person that he or she supervises, or has influence, authority or power over
- 8.6 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport
- 8.7 disclosing to any unauthorised person or organisation any Kung Fu Wushu WA information that is of a private, confidential or privileged nature
- 8.8 making a complaint that they know to be untrue, vexatious, malicious or improper
- 8.9 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy

- 8.10 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

9. Disciplinary measures

Kung Fu Wushu WA may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable
- applied consistent with any contractual and employment rules and requirements
- be based on the evidence and information presented and the seriousness of the breach
- be determined in accordance with our Constitution, By-laws, this policy and/or the rules of the sport.

9.1 Individual

Subject to contractual and employment requirements, if a finding is made by a Participant Protection Tribunal 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 withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Kung Fu Wushu WA;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 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 Kung Fu Wushu WA terminate the individual's membership, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 A fine;
- 9.1.11 Any other form of discipline that the Participant Protection Tribunal considers appropriate.

9.2 Organisation

If a finding is made that a member organisation or affiliated organisation of Kung Fu Wushu WA has breached its own or this Participant Protection Policy, one or more of the following forms of discipline may be imposed by the Board:

- 9.2.1 A written warning;
- 9.2.2 A fine;
- 9.2.3 A direction that any rights, privileges and benefits provided to that organisation by the KW WA or other peak association be suspended for a specified period;
- 9.2.4 A direction that any funding granted or given to it by Kung Fu Wushu WA cease from a specified date;
- 9.2.5 A direction that Kung Fu Wushu WA ceases to sanction events held by or under the auspices of that organisation;
- 9.2.6 A recommendation to Kung Fu Wushu WA that its membership of the Kung Fu Wushu WA be suspended or terminated in accordance with the relevant constitution or rules;

9.2.7 Any other form of discipline that Kung Fu Wushu WA considers reasonable and appropriate.

9.3 Factors to consider

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

- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of the policy
- the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- if there have been any relevant prior warnings or disciplinary action
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- any other mitigating circumstances.

10. Dictionary of terms

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. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

Abuse is the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

Affiliated club means a full member, associate member, or community coach member of a State/Territory organisation recognised by Kung Fu Wushu Australia as the State or Territory representative body for Kung Fu/Wushu.

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

Child abuse involves conduct which puts a child at risk of harm and may include:

- **physical abuse**, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity)
- **sexual abuse** which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or 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**, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
- **neglect** which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

Complaint means a complaint made under clause 7 of this policy

Complainant means the person making a complaint.

Complaint handler/manager means the person appointed under this policy to investigate a complaint.

PART D: COMPLAINT HANDLING PROCEDURES

We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with a formal and informal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in this policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

ATTACHMENTS

- Attachment D1: Complaints procedure
- Attachment D2. Mediation
- Attachment D3. Investigation procedure
- Attachment D4. Tribunal procedure

Attachment D1: COMPLAINTS PROCEDURE

Kung Fu Wushu WA aims to support people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or if it is necessary to properly resolve the complaint.

To ensure **fairness for everyone involved**, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to resolve complaints. Individuals and organisations can also **complain to external organisations** under anti-discrimination, child protection and other relevant laws.

Informal approaches

Step 1: Talk with the other person (if safe, reasonable and appropriate)

If you feel confident to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

Step 2: Contact a Participant Protection Officer

We encourage you to talk with one of our Participant Protection Officers (PPOs) if:

- the first step is not possible or reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially with someone and find out what options are available to resolve the problem, or
- the concern continues after you approached the other person.

The names and contact details for our PPOs are available from the KW WA Secretary Secretary@kwwa.org.au.

The PPO will:

- ask how you would like your concern to be resolved and if you need support
- seek to provide different options for you to address your concern
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you resolve the problem, if necessary
- inform the relevant government authorities and/or police, if required by law to do so
- where possible and appropriate, maintain confidentiality.

Step 3: Decide how to resolve the problem

After talking with the PPO, you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter forward
- to try and resolve the problem yourself, with or without a support person
- to resolve the problem with the help of someone impartial, such as a mediator
- to resolve the matter through a formal process.

Formal approaches

Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the Complaints Manager, or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the Complaints Manager will decide whether:

- he or she is the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint requires a formal resolution procedure
- to refer the complaint to **mediation**
- to appoint a person to **investigate** the complaint
- to refer the complaint to a **tribunal hearing**
- 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 is completed.

In dealing with your formal complaint, the Complaints Manager will take into account:

- whether he or she has had any personal involvement in the circumstances and if someone else should handle the complaint
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent)
- whether the facts of the complaint are in dispute
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the Complaints Manager is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for their side of the story
- decide if there is 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, including disciplinary action in accordance with this policy.

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment D3.

Following the investigation, a written report will be provided to the Participant Protection Tribunal.

- If the complaint is referred to **mediation**, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in Attachment D4.
- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.

Step 6: Reconsidering a complaint or appealing a decision

If the matter is referred to mediation and is not resolved at mediation, you may request that the Complaints Manager reconsider the complaint in accordance with Step 3.

In accordance with Kung Fu Wushu WA rules you or the respondent(s) may also appeal a decision made. The grounds and process for appeals are set out in Attachment D4.

Step 7: Documenting the resolution

The Complaints Manager will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the WA level, the information will be stored by KW WA. If the matter is of a serious nature, and was dealt with at the national level, the original document will be stored by Kung Fu Wushu Australia and a copy stored by the KW WA.

Approaching external organisations

If you feel that you have been harassed or discriminated against, you can seek advice from the Human Rights Commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

The commission may investigate your complaint. The commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken.

If you do lodge a complaint with the commission, an appropriate person from our organisation (a PP Officer) will be available to support you during the process. You may also wish to have legal representation, particularly if the complaint goes to a formal hearing.

Contact details for the ACT Human Rights Commission are available on their website:

<https://humanrights.gov.au> .

Serious incidents, such as assault or sexual assault, should be reported to the police.

Attachment D2: MEDIATION

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The Complaints Manager will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of Kung Fu Wushu WA and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with Kung Fu Wushu WA acting as mediator.
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - write to the Complaints Manager to request that the Complaints Manager reconsider the complaint, and
 - approach an external agency, such as the Human Rights Commission, to resolve the matter.

We recognise that there are some **situations where mediation will not be appropriate**, including:

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious allegations.

Attachment D3: INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and evidence gathered.

An investigation helps determine the facts relating to the incident, as well as possible findings and, if requested, recommendations.

Any investigation that we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities. The investigator will:
 - interview the complainant and record the interview in writing
 - provide full details of the complaint to the respondent(s) so that they can respond
 - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
 - obtain statements from witnesses and collect other relevant evidence
 - 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)
 - **mischievous, vexatious or knowingly untrue.**
 - provide a report to the Participant Protection Tribunal documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g. Participant Protection Officer).

Attachment D4: TRIBUNAL PROCEDURES

We will follow the steps set out below to hear formal complaints made under our Participant Protection Policy.

Preparing for a Participant Protection Tribunal hearing

1. A Participant Protection Tribunal panel will be established, according to the rules set out in our By-laws, to hear a complaint that has been referred to it by the Complaints Manager. The number of Participant Protection Tribunal panel members required to be present throughout the hearing will be three.
2. The Participant Protection Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the Complaints Manager relating to the complaint/allegations.
3. The Participant Protection Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. The Complaints Manager will inform the respondent(s) in writing that a Participant Protection Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Participant Protection Tribunal hearing to defend the complaint/allegations
 - the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached
 - the date, time and venue of the Participant Protection Tribunal hearing
 - that verbal and/or written submissions can be presented at the Participant Protection Tribunal hearing
 - that witnesses may attend the Participant Protection Tribunal hearing to support the position of the respondent/s
 - an outline of any possible penalties that may be imposed if the complaint is found to be true
 - that legal representation will not be allowed. The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However a person cannot be a support person if he or she has been admitted to the practice as a lawyer or worked as a trainee lawyer. A copy of any investigation report findings will be provided to the respondent(s).

The respondent(s) will be allowed to participate in all Kung Fu Wushu WA activities and events, pending the decision of the Participant Protection Tribunal, including any available appeal process, unless the Complaints Manager believes it is necessary to exclude the respondent/s from all or some activities and events because of the nature of the complaint.

5. The Complaints Manager will notify the complainant in writing that a Participant Protection Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Participant Protection Tribunal hearing to support their complaint
 - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
 - the date, time and venue of the Participant Protection Tribunal hearing

- that verbal and/or written submissions can be presented at the Participant Protection Tribunal hearing
- that witnesses may attend the Participant Protection Tribunal hearing to support the complainant's position
- that legal representation will not be allowed. The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.

A copy of the investigation report findings will be provided to the complainant.

6. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the Complaint Manager as soon as possible so that the respondent(s) and members of the Participant Protection Tribunal panel can be properly informed of the complaint.
7. If possible, the Participant Protection Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

Tribunal hearing procedure

8. The following people will be allowed to attend the Participant Protection Tribunal hearing:
 - Participant Protection Tribunal panel members
 - the respondent(s)
 - the complainant
 - any witnesses called by the respondent(s)
 - any witnesses called by the complainant
 - any parent/guardian or support person required to support the respondent or the complainant.
9. If the respondent(s) is not present at the set hearing time and the Participant Protection Tribunal chairperson considers that no valid reason has been presented for this absence, the Participant Protection Tribunal hearing will continue subject to the chairperson being satisfied that all Participant Protection Tribunal notification requirements have been met.
10. If the Participant Protection Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Participant Protection Tribunal notification requirements have been met, then the Participant Protection Tribunal hearing will be rescheduled to a later date.
11. If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Participant Protection Tribunal chairperson will inform the Complaint Manager of the need to reschedule the hearing and the Complaint Manager will arrange for the Participant Protection Tribunal to be reconvened.
12. The Participant Protection Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
13. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Participant Protection Tribunal when determining any sanctions.
14. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.

- The complainant may call witnesses.
 - The respondent may question the complainant and any witnesses.
15. The respondent will then be asked to respond to the complaint.
 - Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and any witnesses.
 16. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
 17. The Participant Protection Tribunal may:
 - consider any evidence, and in any form, that it deems relevant
 - ask questions of any person giving evidence
 - limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence)
 - require (to the extent it has power to do so) the attendance of any witness it deems relevant
 - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
 18. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
 19. If the Participant Protection Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Participant Protection Tribunal chairperson may deny further involvement of that person in the hearing.
 20. After all the evidence has been presented, the Participant Protection Tribunal will make its decision in private. It must decide whether the complaint has, on the balance of probabilities, been substantiated.
 21. All Participant Protection Tribunal decisions will be by majority vote.
 22. The Participant Protection Tribunal chairperson will announce the decision in the presence of all those involved in the hearing. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.
 23. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
 24. Within 48 hours, the Participant Protection Tribunal chairperson will:
 - forward a notice of the Participant Protection Tribunal's decision to the Complaints Manager, including any sanctions imposed.
 - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.
 25. The Participant Protection Tribunal does not need to provide written reasons for its decision.

Appeals procedure

26. If a complainant or a respondent(s) is not satisfied with the outcome of a mediation process or a Participant Protection Tribunal decision, he or she can lodge an appeal to Kung Fu Wushu WA on one or more of the following grounds:
 - 26.1 that a denial of natural justice has occurred
 - 26.2 that the disciplinary measure/s imposed is unjust and/or unreasonable
 - 26.3 that the decision was not supported by the information/evidence provided at the mediation or to the Protection Tribunal Hearing
27. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the Secretary KW WA within seven days of the decision being made. An appeal fee of \$500 shall be included with the letter of intention to appeal.
28. If the letter of appeal and the appeal fee are not both received by the Secretary KW WA within this time, the right of appeal will lapse.
29. The letter of appeal and the notice of the Participant Protection Tribunal's decision (clause 24) will be forwarded to the Complaints Manager to review and to decide whether there are sufficient grounds for the appeal to proceed. The Complaints Manager may invite any witnesses to the meeting that he or she believes are required to make an informed decision.
30. If the appellant has not shown sufficient grounds for an appeal in accordance with clause 26, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited.
31. If the appeal is accepted, a Participant Protection Appeal Tribunal with new panel members will be convened to rehear the complaint, and the appeal fee will be refunded.
32. The Participant Protection Tribunal hearing procedure shall be followed for the Participant Protection Appeal Tribunal.
33. The decision of the Participant Protection Appeal Tribunal will be final and binding.

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, (subject to disclosure required by law or permitted under this policy) will be treated confidentially and stored in a secure place.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

We will ensure that everyone who works with our organisation 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.

ATTACHMENTS

- Attachment E1: Record of informal complaint
- Attachment E2: Record of formal complaint
- Attachment E3: Handling an allegation of child abuse
- Attachment E4: Confidential record of child abuse allegation

**Attachment E1:
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	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <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?		

<p>What are the facts relating to the incident, as stated by complainant?</p>	
<p>What is the nature of the complaint? (category/basis/grounds)</p> <p>Tick more than one box if necessary</p>	<p> <input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other </p>
<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 given to the Complaint Manager.

**Attachment E2:
RECORD OF FORMAL COMPLAINT**

<p>Complainant's Name</p>	<p> <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18 </p>	<p>Date Formal Complaint Received: / /</p>
<p>Complainant's contact details</p>	<p>Phone:</p> <p>Email:</p>	
<p>Complainant's role/position</p>	<p> <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <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 </p>	

Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <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
Location/event of alleged incident	
Description of alleged incident	
Nature of complaint (category/basis/grounds) Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other
Methods (if any) of attempted informal resolution	
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
If decision was appealed	Decision Action recommended
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: _____ Date / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential and safe place. If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to Kung Fu Wushu Australia and a copy kept with KW WA.

**Attachment E3:
PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.

Fact sheets on reporting allegations of child abuse in different states and territories are available at www.playbytherules.net.au.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with Kung Fu Wushu WA in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the Complaint Manager of Kung Fu Wushu WA so that he or she can manage the situation.

Step 3: Protect the child and manage the situation

- The Complaint Manager will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with Kung Fu Wushu WA.
- The Complaint Manager will consider what services may be most appropriate to support the child and his or her parent/s.
- The Complaint Manager will consider what support services may be appropriate for the alleged offender.
- The Complaint Manager will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
 - a criminal investigation (conducted by the police)
 - a child protection investigation (conducted by the relevant child protection agency)
 - a disciplinary or misconduct inquiry/investigation (conducted by Kung Fu Wushu WA).
- Kung Fu Wushu WA will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is recommended, we will follow the procedures set out in Clause 9 of our Participant Protection Policy.
- Where required, we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

Western Australia	
WA Police Non-urgent police assistance Ph: 131 444 https://www.police.wa.gov.au/	Child Protection and Family Support Central Intake Team on 1800 273 889 or email cpduty@cpfs.wa.gov.au. Mandatory Reporting: via the department Website: https://www.communities.wa.gov.au/services/child-protection-and-family-support/

**Attachment E4:
CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Before completing this form, please ensure that the steps outlined in Attachment D4 have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date formal complaint received: / /
Role/status in sport		
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 sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <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 three witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action taken (if any)		
Police contacted	Who: When: Advice provided:	

Child protection agency contacted	Who: When: Advice provided:
CEO 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: Signature: / /
Signed by	Complainant (if not a child)

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

