

**maccabi**  
connecting our Jewish  
community through sport

# MEMBER PROTECTION MANAGEMENT TOOL KIT

*This Member Protection Management Tool Kit is designed to provide board and committee members at all levels of Maccabi (whether at the Club, State or National level) with the tools that they need to help them administer the Maccabi's Member Protection Policies (MPP) set out in the MPP Handbook.*

*This Tool Kit contains various participation agreements that need to be signed or agreed to when a person joins a Maccabi Club or registers for a Maccabi event.*

*It further outlines the procedures that are to be followed if a grievance or a complaint is made arising out of the MPP policies and codes of conduct outlined in the MPP Handbook as well as the MPP Tribunal rules and procedures to be followed where one of the parties seeks to exercise their right of appeal. There is a separate chapter that sets out the procedures to be followed for handling allegations of child abuse.*

*The final chapter of the Tool Kit sets out some useful information on the screening recruitment and induction of paid and unpaid volunteers and staff.*

*At the end of each chapter you will find a collection of useful pro forma documents and forms relating to the matters referred to in each chapter.*

*The enclosed material has been prepared to assist those involved in MPP activities to better manage the processes in a fair and professional manner. It has also been designed to protect the rights and interests of Maccabi members, Maccabi clubs and the organisation as a whole.*

For further information on any of the matters set out in this Management Tool Kit please contact your local Maccabi Office.

Philip Sheezel  
Chairman Maccabi Member Protection Sub Committee

## CONTACT DETAILS

Maccabi Australia ..... 03 9563 5865 enquiries@maccabi.com.au  
Maccabi Victoria..... 03 9563 5885 jlerner@macvic.com.au  
Maccabi NSW ..... 02 9331 0573 danielk@maccabi.com.au  
Maccabi WA ..... 08 9375 8785 adminwa@maccabi.com.au  
Maccabi QLD..... queensland@maccabi.com.au



# CONTENTS

## CHAPTER 1 - THE MACCABI PARTICIPATION AGREEMENTS

Introduction .....	1
Parent and Guardian Responsibilities .....	1
Types of Participation Agreements .....	1
1. Online Agreement .....	2
2. For Members and Athletes.....	4
3. For Parents And Guardians Of Members and Athletes Under 18 Years of Age .....	5
4. For Coaches, Managers, Officials, Committee Members, Other Volunteers.....	7
5. For Parents and Guardians of Coaches, Managers, Officials, Committee Members, Other Volunteers Under 18 Years of Age.....	9
Attachment to Maccabi Participation Agreements.....	11
1. A Summary of the MPP and the Overarching Principles.....	11
2. Maccabi Code of Conduct.....	13
3. What to do if you have a Grievance or Complaint .....	15

## CHAPTER 2 - PROCEDURES FOR HANDLING COMPLAINTS AT MACCABI CLUB LEVEL, STATE LEVEL AND NATIONAL LEVEL

1. Who Deals with the Complaint.....	16
MPP Decision Tree Flow Chart .....	17
2. Where to Start: General for Dealing with Complaints .....	18
3. What are the Options for Dealing with Complaints .....	18
Informal Options .....	19
Formal Options.....	19
4. What to do if a Matter is Investigated .....	20
5. Appointing an MIO .....	20
6. Disciplinary Measures .....	22
7. Referral to a Maccabi Tribunal and Appeals .....	23
8. Reports Required to be made to MPP Sub Committee .....	23
9. Dealing with Media .....	23
<b>Proforma</b>	
Confidential Record of Complaint or Grievance.....	24
Notice of Referral – For Reference of a Matter to a Grievance Tribunal or To an Appeals Tribunal .....	26
Notice of Appeal.....	27
Reporting Template to MPP Sub Committee .....	28
MIO Deed of Appointment.....	29

<b>CHAPTER 3 - MEMBER PROTECTION TRIBUNAL RULES AND PROCEDURES .....</b>	<b>33</b>
Constitution of Maccabi Grievance Tribunal .....	33
Proceedings and Powers of Grievance Tribunal .....	33
The Appeals Tribunal .....	35
Costs .....	35
Effect of Tribunal Decisions .....	35
<b>CHAPTER 4 - PROCEDURES FOR HANDLING ALLEGATIONS OF CHILD ABUSE.....</b>	<b>36</b>
Step 1: Initial Receipt of an Allegation.....	36
Step 2: Report Allegations.....	37
Step 3: Protect the Child and Manage the Situation.....	37
Step 4: Internal Action .....	38
Proforma .....	
Confidential Record of Child or Sexual Abuse Allegation.....	39
Relevant Child Protection Entities for Reporting Child Abuse .....	41
<b>CHAPTER 5 - SCREENING, RECRUITMENT AND INDUCTION .....</b>	<b>43</b>
Background .....	43
Screening Requirements .....	43
Documentation Required before Appointment .....	44
Proof of Qualification .....	44
Working With Children Checks (WWCC) .....	44
National Police Checks (NPC) .....	44
Interviewing of Prospective Paid and Voluntary Staff.....	45
Reference Checks of Prospective Paid and Voluntary Staff.....	46
Induction .....	46
Proforma	
Proof of Identity Checklist.....	47
Sample Interview Questions.....	48
Verifying Recruitment information for Referees .....	49
Recruitment Checklist .....	51

# CHAPTER 1

## THE MACCABI PARTICIPATION AGREEMENTS

### INTRODUCTION

Everyone that joins Maccabi – whether at Club, State or National level – who wishes to participate in Maccabi activities either as an athlete or on a paid or voluntary basis is required to sign a Maccabi Participation Agreement (**“the Agreement”**).

The Agreement makes it clear that their participation is conditional upon them reading, understanding and at all times complying with Maccabi’s Member Protection Policies (**“MPP”**) which are contained in Maccabi’s Member Protection Policies Handbook (**“the Handbook”**).

Where a child under the age of 18 years signs an Agreement, their parent or guardian is also required to complete an Agreement on their behalf and to acknowledge that their child understands their responsibilities around their participation with Maccabi and will comply with their obligations in the Handbook.

A copy of the Handbook may be viewed on the Maccabi Australia website at [www.maccabi.com.au](http://www.maccabi.com.au)

Where registration is completed using the Maccabi or other online process, the Agreements for all parties are addressed via online acknowledgement.

### PARENT AND GUARDIAN RESPONSIBILITIES

Parent and guardian behaviour and responsibilities are a critical issue to the success of Maccabi clubs and Maccabi events. The way parents and guardians behave impacts both positively and negatively on the children’s participation. It is important that parents and guardians use every opportunity to demonstrate and uphold the Maccabi values of Respect, Teamwork, Community and Volunteerism.

When a parent or guardian act in ways that are incongruent with the Maccabi values it negatively affects the children, other parents and volunteers, the Club and Maccabi’s reputation. This has flow on effects in terms of how we are perceived by others and how we attract new volunteers and participants.

To this end Maccabi has developed a series of agreements which include one for parents and guardians of those children or young people under 18 years of age.

### TYPES OF PARTICIPATION AGREEMENTS

This Tool Kit contains copies of the various types of Participation Agreements that must be completed as appropriate. These include:

1. An Online form for members & athletes and (where applicable) their parents and guardians
2. A form for members and athletes (of all ages)
3. A form for parents and guardians of members and athletes under 18 years of age
4. A form for coaches and officials and all volunteers
5. A form for parents and guardians of coaches and officials and all volunteers under 18 years of age

The relevant Agreement/s must be signed and returned to the appropriate Maccabi office or Maccabi Club, or completed through the online registration process.

All parties are expected to read and understand all of the registration requirements before signing any of the Agreements, whether using the online registration or the paper based forms found in this Tool Kit.

All persons should they participate, as well as the parents of persons under the age of 18, will be deemed to have accepted the terms and conditions set out under the Agreement in any Maccabi Club, or Maccabi event.

## 1. ONLINE AGREEMENT

Where registration is completed using the Maccabi or other online process, the Agreements for all parties are addressed via an online acknowledgement.

The following outlines the terms of the Agreement that apply to online registrations and must be included in the Maccabi Club and Event registration processes. For those using the Maccabi website, this forms part of the template registration form and there is no need for further action. Those Maccabi clubs or events utilising other registration systems, must ensure that the following terms are included:

As a member and athlete and where applicable as a parent or guardian of a member or athlete, for the purposes of this application I acknowledge and agree on behalf of myself and where applicable on behalf of my child that:

1. It is a condition of my/my child's participation with Maccabi that I and my child comply with the Maccabi Member Protection Policies ("MPP") as detailed in Maccabi's MPP Handbook ("the Handbook"). I acknowledge it is my responsibility to familiarise myself with the obligations of members and athletes as documented in the MPP Handbook and that the attachments to this Agreement set out the overarching principles of the Handbook and summarise the policies contained in it. If I have any specific questions regarding individual policies, I will take the responsibility to seek more knowledge. A copy of the Handbook can be read on Maccabi's website at [www.maccabi.com.au](http://www.maccabi.com.au).
2. It is a condition of membership and participation that I and where applicable my child and I act in accordance with the MPP Code of Conduct and any additional codes of conduct that apply to the Club or relevant event.
3. If I or my child wish/es to raise a dispute or make a complaint relating to conduct which I/we believe is inconsistent with the MPP, I acknowledge that we must do so in accordance with the Grievance Resolution Guidelines outlined in the Handbook.
4. Where appropriate, Maccabi may impose any of the disciplinary measures outlined in the Handbook (including, without limitation, requiring an apology, withdrawing any awards, suspension or termination of membership or engagement) if it is determined that I or my child has acted in a manner inconsistent with any of the policies and Codes of Conduct set out in the Handbook. If a dispute is dealt with by the Maccabi Appeals Tribunal, I agree that the decision of that Tribunal will be final and binding on me and my child.
5. If a complaint involves a serious allegation (such as, for example, alleged criminal conduct or child abuse), Maccabi may be required to report the complaint to external agencies including, without limitation, the police and the relevant State or Federal Government Department.

6. I/we have been honest with Maccabi about any matters about which it needs to be aware for the purpose of that membership and participation, and confirm that:
- (a) My child and I do not have any criminal charge pending before the courts;
  - (b) My child and I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence;
  - (c) My child and I do not have any disciplinary proceedings brought against either of us by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence;
  - (d) To my knowledge there is no other matter that Maccabi may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me or my child or allowing me or my child to participate in its activities; and
  - (e) I will notify the appropriate Maccabi President immediately upon becoming aware if any of the matters set out in clauses a. to d. above has changed.
7. My child and I agree that if requested by Maccabi we will undertake any MPP training and education that Maccabi requires from time to time and do so within a reasonable timeframe.
8. Acknowledgements
- (a) I have read and understand this Agreement and agree to be bound by the provisions contained in it.
  - (b) Where the person registering is my child and under 18 years of age as the parent/guardian:

I have read and understand this Agreement and agree to be bound by the provision contained in it; and

I agree to do my best to ensure that my child complies with the terms of this Agreement.

### EXECUTION:

I AGREE WITH THE ABOVE TERMS AND CONDITIONS: (Place cross here):

## 2. FOR MEMBERS AND ATHLETES

*Note: Only required to complete this form where online registration is not in place or able to be completed.*

*Where the athlete is under 18 years of age, their parent or guardian must also sign a separate Parents and Guardians Agreement.*

I \_\_\_\_\_

of \_\_\_\_\_

wish to join \_\_\_\_\_ ("*Maccabi*")  
*(insert name of the Maccabi organisation/club)*

as a member and athlete and for the purposes of this application for membership I acknowledge and agree that:

1. It is a condition of my membership of and participation with Maccabi that I comply with the Maccabi Member Protection Policies ("MPP") as detailed in Maccabi's MPP Handbook. I acknowledge it is my responsibility to familiarise myself with the obligations of members and athletes as documented in the MPP Handbook and that attachments to this Agreement set out the overarching principles of the Handbook and summarise the policies contained in it. If I have any specific questions regarding individual policies, I will take the responsibility to seek more knowledge. A copy of the Handbook can be read on Maccabi's website at [www.maccabi.com.au](http://www.maccabi.com.au).
2. It is a condition of membership and participation that I also act in accordance with the MPP Code of Conduct and any additional codes of conduct that apply to the Organisation/Club or relevant event.
3. If I wish to raise a dispute or make a complaint relating to conduct which I believe is inconsistent with the MPP, I must do so in accordance with the Grievance Resolution Guidelines outlined in the Handbook.
4. Where appropriate, Maccabi may impose any of the disciplinary measures outlined in the Handbook (including, without limitation, requiring an apology, withdrawing any awards, suspension or termination of membership or engagement) if it is determined that I have acted in a manner inconsistent with any of the policies or Codes of Conduct set out in the Handbook. If a dispute is dealt with by the Maccabi Appeals Tribunal, I agree that the decision of that Tribunal will be final and binding on me.
5. If a complaint involves a serious allegation (such as, for example, alleged criminal conduct or child abuse), Maccabi may be required to report the complaint to external agencies including, without limitation, the police and the relevant State or Federal Government Department.
6. I agree that if requested by Maccabi I will undertake any MPP training and education that Maccabi requires from time to time and do so within a reasonable time frame.
7. If I am under 18 years of age, I understand my Parent or Guardian consent to and acknowledge this Agreement.
8. I acknowledge that I have read and understand this Agreement and agree to be bound by the provisions contained in it.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: / / \_\_\_\_\_



### 3. FOR PARENTS AND GUARDIANS OF MEMBERS AND ATHLETES UNDER 18 YEARS OF AGE.

*Note: Only required to complete this form where online registration is not in place or able to be completed or where a club wishes to ensure parents are aware of their rights and obligations. To be completed by the parent/guardian if the member/athlete is under the age of 18.*

I \_\_\_\_\_

of \_\_\_\_\_

wish my child \_\_\_\_\_ to join \_\_\_\_\_ ("*Maccabi*")  
*(insert child's name)* *(insert name of the Maccabi organisation/club)*

as a member and athlete and for the purposes of this application for membership I acknowledge and agree that:

1. It is a condition of my child's membership of and participation with Maccabi that I and my child comply with the Maccabi Member Protection Policies ("MPP") as detailed in Maccabi's MPP Handbook ("the Handbook"). I acknowledge it is my responsibility to familiarise myself with the obligations of parents/guardians, members and athletes as documented in the MPP Handbook and that the attachments to this Agreement set out the overarching principles of the Handbook and summarise the policies contained in it. If I have any specific questions regarding individual policies, I will take the responsibility to seek more knowledge. A copy of the Handbook can be read on Maccabi's website at [www.maccabi.com.au](http://www.maccabi.com.au).
2. I understand my child's membership binds me and the child's other parents/guardians to all MPP Codes of Conduct. It is a condition of membership and participation that my child and I act in accordance with the MPP Code of Conduct and any additional codes of conduct that apply to the Organisation/Club or relevant event.
3. If I or my child wishes to raise a dispute or make a complaint relating to conduct which I/we believe is inconsistent with the MPP, we must do so in accordance with the Grievance Resolution Guidelines outlined in the Handbook.
4. Where appropriate, Maccabi may impose any of the disciplinary measures outlined in the Handbook (including, without limitation, requiring an apology, withdrawing any awards, suspension or termination of membership or engagement) if it is determined that I or my child has acted in a manner inconsistent with any of the policies and codes of conduct set out in the Handbook. If a dispute is dealt with by the Maccabi Appeals Tribunal, I agree that the decision of that Tribunal will be final and binding on me and my child.
5. If a complaint involves a serious allegation (such as, for example, alleged criminal conduct or child abuse), Maccabi may be required to report the complaint to external agencies including, without limitation, the police and the relevant State or Federal Government Department.
6. I have been honest with Maccabi about any matters about which it needs to be aware for the purpose of that membership and engagement, and confirm that:
  - (a) My child and I do not have any criminal charge pending before the courts;
  - (b) My child and I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence;
  - (c) My child and I have not had any disciplinary proceedings brought against us by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence;

- (d) To my knowledge there is no other matter that Maccabi may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me or my child or allowing me or my child to participate in its activities; and
  - (e) I will immediately notify the appropriate Maccabi President immediately upon becoming aware if any of the matters set out in clauses (a) to (d) above change.
7. My child and I agree that if requested by Maccabi we will undertake any MPP training and education that Maccabi requires from time to time and do so within a reasonable time frame.
  8. I acknowledge that my child who under 18 years of age, has received and consented to the terms and conditions set out in this Agreement.
  9. I acknowledge that I have read and understand this Agreement and agree to be bound by the provisions contained in it. I further acknowledge that where my child has signed an Agreement that they have read and understood such Agreement and I agree to do my best to ensure that he/she complies with the terms of that Agreement.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: / / \_\_\_\_\_

## 4. FOR COACHES, MANAGERS, OFFICIALS, COMMITTEE MEMBERS, OTHER VOLUNTEERS.

*Note: To be completed by all Coaches, Managers, officials, committee members and all other volunteers. If over the age of 12 and under the age of 18, it is to be signed in conjunction with Parents and Guardians Agreement.*

I

---

of

---

wish to join

*(insert name of the Maccabi organisation/club)*

*("Maccabi")*

as a Coach, Manager, official, committee member or other volunteer, and for the purposes of this application I acknowledge and agree that:

1. It is a condition of my engagement with Maccabi in this capacity that I comply with the Maccabi Member Protection Policies ("MPP") as detailed in Maccabi's MPP Handbook ("the Handbook"). I acknowledge it is my responsibility to familiarise myself with the obligations of members and athletes as documented in the MPP Handbook and that the attachments to this Agreement set out the overarching principles of the Handbook and summarise the policies contained in it. If I have any specific questions regarding individual policies, I will take the responsibility to seek more knowledge. A copy of the Handbook can be read on Maccabi's website at [www.maccabi.com.au](http://www.maccabi.com.au).
2. It is a condition of my participation that I act in accordance with any additional the MPP Code of Conduct and codes of conduct that applies to the Organisation/Club or relevant event.
3. If I wish to raise a dispute or grievance or make a complaint relating to conduct which I believe is inconsistent with the MPP, I must do so in accordance with the Grievance Resolution Guidelines outlined in the Handbook.
4. Where appropriate, Maccabi may impose any of the disciplinary measures outlined in the Handbook (including, without limitation, requiring an apology, withdrawing any awards, suspension or termination of membership or engagement) if it is determined that I have acted in a manner inconsistent with any of the policies set out in the Handbook. If a dispute is dealt with by the Maccabi Appeals Tribunal, I agree that the decision of that Tribunal will be final and binding on me and my parent/guardian if I am under 18 years of age.
5. If a complaint involves a serious allegation (such as, for example, alleged criminal conduct, child abuse), Maccabi may be required to report the complaint to external agencies including, without limitation, the police and the relevant State or Federal Government Department.
6. Given that I am seeking employment or other formal engagement with Maccabi, whether as a club coach (paid or volunteer) or in team management, I have been honest with Maccabi about any matters about which it needs to be aware for the purpose of that participation and engagement, and confirm that:
  - (a) I do not have any criminal charge pending before the courts;
  - (b) I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence;
  - (c) I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence;

- (d) To my knowledge there is no other matter that Maccabi may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me or allowing me to participate in its activities and
  - (e) I will notify the appropriate Maccabi President immediately upon becoming aware if any of the matters set out in clauses (a) to (d) above has changed.
7. I have been honest with Maccabi about any matters about which it needs to be aware for the purpose of my participation and I will notify the appropriate Maccabi President immediately upon becoming aware of any changes that may affect my participation.
  8. I agree that if requested by Maccabi I will undertake any MPP training and education that Maccabi requires from time to time and do so within a reasonable time frame.
  9. I understand from time to time there may be roles that I may be required to undertake where additional screening may be necessary. In such circumstances, Maccabi reserves the right to request a National Police Check and I agree to cooperate in a timely manner if such a check is requested.
  10. This Participation Agreement is to be read in conjunction with any other contract or agreement that I may have with Maccabi. In the event of any inconsistency between this Participation Agreement and any provision contained in any other contract or agreement that I have with Maccabi, the provisions of this Participation Agreement prevail.
  11. Where applicant is under 18 years of age:
    - (a) I understand my parent/guardian consents to and acknowledges this Agreement and the Parents and Guardians Agreement; and has read and understands the Agreements; and
    - (b) I must, when I turn 18, obtain and maintain a current Working with Children Check (or State equivalent). Upon doing so I will add Maccabi Australia, 176 Bambra Rd Caulfield South Vic 3162, on my Working with Children Check records via the relevant government department in the State in which I reside where I am required to do so. I will also provide a copy of the WWC check to my relevant Maccabi Club.
  12. I acknowledge that I have read and understand this Agreement and agree to be bound by the provisions contained in it.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: / / \_\_\_\_\_

## 5. FOR PARENTS AND GUARDIANS OF COACHES, MANAGERS, OFFICIALS, COMMITTEE MEMBERS, OTHER VOLUNTEERS UNDER 18 YEARS OF AGE.

*Note: To be completed by parents or guardians of coaches, managers, officials, committee members and all other volunteers who are under the age of 18 years.*

I \_\_\_\_\_

of \_\_\_\_\_

wish my child \_\_\_\_\_ to join \_\_\_\_\_ ("*Maccabi*")  
*(insert child's name)* *(insert name of the Maccabi organisation/club)*

as a coach, manager, official, committee member or other volunteer and for the purposes of this application for participation I acknowledge and agree that:

1. It is a condition of my child's engagement with Maccabi in this capacity that I and my child comply with the Maccabi Member Protection Policies ("MPP") as detailed in Maccabi's MPP Handbook ("the Handbook"). I acknowledge it is my responsibility to familiarise myself with the obligations of members and athletes as documented in the MPP Handbook and that the attachments to this Agreement set out the overarching principles of the Handbook and summarise the policies contained in it. If I have any specific questions regarding individual policies, I will take the responsibility to seek more knowledge. A copy of the Handbook can be read on Maccabi's website at [www.maccabi.com.au](http://www.maccabi.com.au).
2. It is a condition of participation that my child and I act in accordance with the MPP Code of Conduct and any additional codes of conduct that apply to the Organisation/Club or relevant event.
3. If I or my child wish to raise a dispute or grievance or make a complaint relating to conduct which I/we believe is inconsistent with the MPP, I acknowledge we must do so in accordance with the Grievance Resolution Guidelines outlined in the Handbook.
4. Where appropriate, Maccabi may impose any of the disciplinary measures outlined in the Handbook (including, without limitation, requiring an apology, withdrawing any awards, suspension or termination of membership or engagement) if it is determined that I or my child has acted in a manner inconsistent with any of the policies set out in the Handbook. If a dispute is dealt with by the Maccabi Appeals Tribunal, I agree that the decision of that Tribunal will be final and binding on me and my child.
5. If a complaint involves a serious allegation (such as, for example, alleged criminal conduct or child abuse), Maccabi may be required to report the complaint to external agencies including, without limitation, the police and the relevant State or Federal Government Department.
6. I have been honest with Maccabi about any matters about which it needs to be aware for the purpose of participation and engagement, and confirm that:
  - (a) My child and I do not have any criminal charge pending before the courts;
  - (b) My child and I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence;

- (c) My child and I have not had any disciplinary proceedings brought against me or my child by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence;
  - (d) To my knowledge there is no other matter that Maccabi may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me or my child or allowing me or my child to participate in its activities; and
  - (e) I will notify the appropriate Maccabi President immediately upon becoming aware if any of the matters set out in clauses (a) to (d) above have changed.
7. When my child turns 18 years of age, I understand he/she must obtain and maintain a current Working with Children Check (or State equivalent). He/she will provide a copy of the check, along with the number and expiry date to the relevant Maccabi Club or Association and add the relevant Maccabi Club on Working with Children Check records via the relevant government department in the State in which they reside where they are required to do so.
  8. I understand from time to time there may be roles that may require me as the parent/guardian to undertake additional screening. In such circumstances, Maccabi reserves the right to request a National Police Check and I agree to cooperate in a timely manner if such a check is requested.
  9. This Participation Agreement is to be read in conjunction with any other contract or agreement that I may have with Maccabi. In the event of any inconsistency between this Participation Agreement and any provision contained in any other contract or agreement that I have with Maccabi, the provisions of this Participation Agreement still prevail.
  10. I agree that if requested by Maccabi my child and I will undertake any MPP training and education that Maccabi requires from time to time I acknowledge that I have read and understood this Agreement and agree to be bound by the provisions contained in it. I further acknowledge that where my child has signed an Agreement that they have read and understood such Agreement and I agree to do my best to ensure that he/she complies with the terms of that Agreement.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: / /

## ATTACHMENT TO MACCABI PARTICIPATION AGREEMENTS

This document forms part of any Participation Agreement, and includes:

1. A summary of the Member Protection Policies (MPP) and the overarching principles by which
2. all Maccabi members are bound;
3. The Code of Conduct by which all Participants are bound; and
4. The procedures which you should follow if you would like to raise a dispute or grievance or make a complaint.

### 1. A SUMMARY OF THE MPP AND THE OVERARCHING PRINCIPLE

#### MACCABI'S MEMBER PROTECTION VISION

Maccabi aims to create a safe, fair and inclusive environment and to ensure that every person who participates in its activities is treated with respect and dignity and protected from unlawful discrimination, harassment, bullying and other inappropriate behaviour.

#### THE MACCABI MEMBER PROTECTION HANDBOOK ("HANDBOOK")

Maccabi has developed the MPP, set out in the Handbook, in an effort to ensure that all Participants are aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them. The Handbook is also there to help our Participants understand what they need to do if they want to raise a dispute or grievance or make a complaint. Because so much of Maccabi activity involves and revolves around children, a central focus of the Handbook is Maccabi's approach to child safety.

#### THOSE BOUND BY THE MPP

Every person who is engaged or participates in Maccabi-related activities ("Participants"), whether a paid or unpaid person, is required to comply with the standards set out in the MPP. This includes office bearers, players or athletes, members, coaches, managers and other support personnel, and, to the extent possible, parents and spectators.

#### THE MEMBER PROTECTION POLICIES

The Handbook includes the following policies with which all Participants must comply:

- **Code of Conduct** (a copy of which is attached in the following section)
- **Child Safety Policies**, including details around:
  - Defining child abuse (sexual, grooming, physical abuse, exposure to domestic violence, neglect and psychological harm)
  - What is appropriate conduct and behaviour relating to:
    - Sexual misconduct
    - Photography of Children and Young People
    - Use, possession and supply of alcohol and drugs
    - Transporting children and young people
    - Electronic communication with children and young people
    - Change rooms
    - Sleeping arrangements when travelling
    - Physical contact with children and young people
    - Acceptable Boundaries
  - Use of Language
  - Guidelines for Parents

- **Disability and Inclusion Policies**, including details around:
  - Our vision
  - Our objectives and strategies relating to:
    - Enhanced participation
    - Enhanced capacity
    - Enhanced interaction
  - Protection of Participants with an intellectual disability
- **Intimate Relationships Policy** (formerly Sexual Relationships Policy), which works to ensure an equality of relationship amongst consenting adults, and Maccabi's stand where there is an inequality of power e.g coach and player relationships.
- **Anti-discrimination and Harassment Policy**, which outlines Maccabi's objective of ensuring an environment free of unlawful discrimination and harassment at all levels of the organisation, explains the legal prohibitions of these types of conduct and states Maccabi's requirement that its Participants not engage in this conduct.
- **Anti-bullying Policy**, which defines bullying and cyberbullying and states Maccabi's requirement that its Participants not engage in this conduct.
- **Social Networking and Website Policy**, which – given their ever-increasing utility – requires all levels of the organisation to be diligent in relation to the use and potential abuse of technology.
- **Drug and Anti-Doping Policy**, which sets out Maccabi's approach and our requirement of Participants in this respect including that they remain drug-free and not use any illicit or performance enhancing substances.
- **Alcohol and Smoking Policies**, which provide for the responsible use and consumption of alcohol and for smoke free environments at Maccabi events, in recognition of a safe environment for all and one in which sound modelling for children and young adults is paramount.
- **Pregnancy Policy**, which aims to ensure that those who are pregnant are not unreasonably discriminated against.
- **Gender Identity Policy**, which aims to make Maccabi a fair and inclusive environment for those who identify as transgender.

*NOTE: Please ensure you take the time to read through the Handbook as it relates directly to you and your involvement in Maccabi.*



## 2. MACCABI CODE OF CONDUCT

This Code of Conduct outlines the minimum standards of behaviour for anyone involved in Maccabi. The Code of Conduct applies both on and off the sporting field and at all Maccabi - sanctioned events. It summarises the overarching principles that apply to all Maccabi Participants.

### GENERAL

- act within the rules and spirit of your sport, promoting fair play over winning at any cost;
- encourage and support opportunities for people to learn appropriate behaviours and skills and participate in all aspects of the sport or event;
- treat each person as an individual;
- be ethical and honest in all dealings with individuals, clubs and associations, showing respect and courtesy to all involved with the sport or event. This includes but is not limited to showing respect for the decisions of officials, coaches and administrators;
- act in such a manner as to protect children and young people (refer to the Child Safety Policy);
- do not engage in, or threaten to engage in, violent or physical confrontations with any other person;
- respect the rights and worth of every person, regardless of protected attributes such as their age, ability, gender, family responsibilities, race, cultural background, religion or sexual orientation, and ensure your decisions and actions contribute to a discrimination and harassment-free environment (refer to the Anti-Discrimination Policy);
- identify and reject discrimination, harassment, bullying and violence in any form, whether by spectators, coaches, officials or athletes;
- act with integrity and objectivity, and accept responsibility for your decisions and actions; and
- act in accordance with the Constitution, rules and by-laws of Maccabi and the standards set out in the MPP Handbook.

### ATHLETES

- understand and play by the rules;
- respect referees and other officials;
- control your temper;
- work equally hard for yourself and for your team;
- be a good sport;
- give your best at all times; and
- participate for your own enjoyment and benefit.

### COACHES

- place the safety and welfare of the athletes above all else;
- help each person (athlete, official, etc.) to reach their potential. Respect the talent, developmental stage and goals of each person and encourage them with positive and constructive feedback;
- obtain appropriate qualifications and keep up-to-date with the latest coaching practices and the principles of growth and development of young players;
- ensure that any physical contact with another person is appropriate to the situation and necessary for the person's skill development;

- undertake MPP training as required and directed by your club or the relevant State or National Maccabi organisation.
- remember that sport is for enjoyment;
- be reasonable in your demands;
- teach understanding and respect for the rules;
- be prepared to lose sometimes;
- impart knowledge and skills, promote desirable personal and social behaviours; and
- instill in your athletes respect for officials and an acceptance of their judgement.

## OFFICIALS

- place the safety and welfare of the athletes above all else;
- ensure all athletes are included and can participate, regardless of their age, ability, gender, family responsibilities, race, cultural background, religion or sexual orientation;
- be consistent, impartial and objective when making decisions;
- address unsporting behaviour and promote respect for other athletes and officials; and
- ensure that any physical contact with another person is appropriate to the situation and necessary for the person's skill development.

## PARENTS

- encourage your child to participate, do their best and have fun;
- focus on your child's effort and performance, rather than winning or losing;
- never ridicule or yell at a child or other athlete for making a mistake or losing a competition;
- help out the coach or officials at training and games, where possible; and
- model appropriate behaviour, including respect for the coach, team managers, team officials, and other athletes and supporters.

## SPECTATORS

- respect the effort and performances of athletes;
- respect the decisions of coaches, team managers and officials and teach children to do the same; and
- identify and reject discrimination, harassment, bullying and violence in any form, whether by other spectators, coaches, officials or athletes.

## BOARD/COMMITTEE MEMBERS AND ADMINISTRATORS

- ensure that managers and coaches are appointed appropriately;
- ensure that any information acquired, or advantage gained, from the position is not used improperly; and
- conduct your Organisation/Club responsibilities with due care, competence and diligence.
- Undertake appropriate MPP training as directed by your club or the relevant State or National Maccabi organisation

## WITH RESPECT TO CHILD SAFETY

- Any adult who believes there is a risk a child will become the victim of a sexual offence or to whom a child has disclosed that an offence has occurred must report the matter to the relevant Child Protection agency and/or police and the National Maccabi Integrity Officer ("MIO") immediately.

- Any adult that forms a reasonable suspicion of any other type of child abuse (as set out in Section 3 of the MPP) or believes a child is at risk of abuse must act immediately to protect the child and make a report to the National MIO to the appropriate authorities (the relevant Child Protection agency or police) in relation to the suspected child abuse.

## LEGAL OBLIGATIONS

All Participants (and for those under 18 and their parents), are required to enter into a Participation Agreement with Maccabi, agreeing not only to act in accordance with Maccabi Codes of Conduct but also agreeing to be bound by the policies and procedures contained in the Handbook and the decisions of any tribunal set up thereunder.

Such Agreements shall, unless otherwise stipulated, be read with and form part of all Maccabi clubs' registration forms and the registration forms for any Maccabi event, whether they be paper based or online.

## 1. WHAT TO DO IF YOU HAVE A GRIEVANCE OR COMPLAINT

At all levels of Maccabi there is a person that is appointed to deal with Participant grievances and complaints. The appropriate process for dealing with a grievance or complaint will depend upon the level at which the grievance or complaint arose and the seriousness of that grievance or complaint.

Generally speaking, members are encouraged in the first instance to raise any concerns at their local Club level, via the Club's Member Protection Compliance Officer ("Compliance Officer"). However, if you would like to take a matter up directly with your State MIO, you should call your local Maccabi State office or Maccabi Australia and you will be given all necessary contact details and assistance.

Chapter 6 of the Handbook contains Grievance Resolution Guidelines, which explain how to lodge a complaint and the procedures that are to be followed when dealing with your complaint or grievance.

It is important you feel that you are safe to make a complaint without repercussions or fear of retribution. Accordingly, disciplinary measures may be imposed on anyone who harasses or victimises another person for making a complaint.

Disciplinary measures may be imposed on a Participant for a failure to act in accordance with the MPP, including:

- requiring a verbal and/or written apology;
- requiring counselling to address behaviour;
- withdrawal of any awards, placings, records or achievements bestowed in any tournaments, activities or events held or sanctioned by a Club;
- suspension or termination of membership, participation or engagement in a role or activity;
- de - registrations of accreditation for a period of time or permanently; or
- any other form of discipline that Maccabi considers reasonable and appropriate.

## VEXATIOUS COMPLAINTS

If, after investigation, a person is found to knowingly have made an untrue complaint or the complaint is found to be malicious, frivolous or intended to cause distress, disciplinary action may be taken against the person making the complaint.

# CHAPTER 2

## PROCEDURES FOR HANDLING COMPLAINTS AT MACCABI CLUB LEVEL, STATE LEVEL AND NATIONAL LEVEL

In most instances, Clubs are in the best position to resolve disputes, complaints or grievances ("Complaints") involving their members or acts not in accordance with the MPP within the club environment. All Clubs are required to abide by the processes set out in this Chapter. Every complaint should be taken seriously and should be dealt with in a fair and objective way, having regard to the reasonable interests of all parties concerned and the principles of procedural fairness.

The diagram on the following page illustrates the decisions and key decision paths to be made once a grievance or complaint has been made. Please use this as a guide to work through the grievance. Further detail supporting this is provided in the rest of this chapter.

### 1. WHO DEALS WITH THE COMPLAINT: SHOULD THE COMPLAINT BE DEALT WITH AT CLUB, STATE OR NATIONAL LEVEL?

Each Club is required, where possible, to appoint a Member Protection Compliance Officer ("**Compliance Officer**") whose responsibility it is to look after MPP matters and to ensure compliance with the policies and procedures set out in the Handbook.

Each Maccabi State has appointed their State MIO and MAI has appointed a National MIO.

**The Compliance Officer is the first point of communication for MPP- related Complaints at the Club level.**

Where the grievance or complaint is Club-related it is expected that the Compliance Officer will initially deal with the matter. Should the Compliance Officer either have a conflict of interest or the matter is more appropriately dealt with at the State or National level then they are able to refer the matter to the relevant MIO.

In a large Club, the Compliance Officer might be assisted by another Committee member responsible for dispute resolution processes, as long as no conflict of interest applies for that individual.

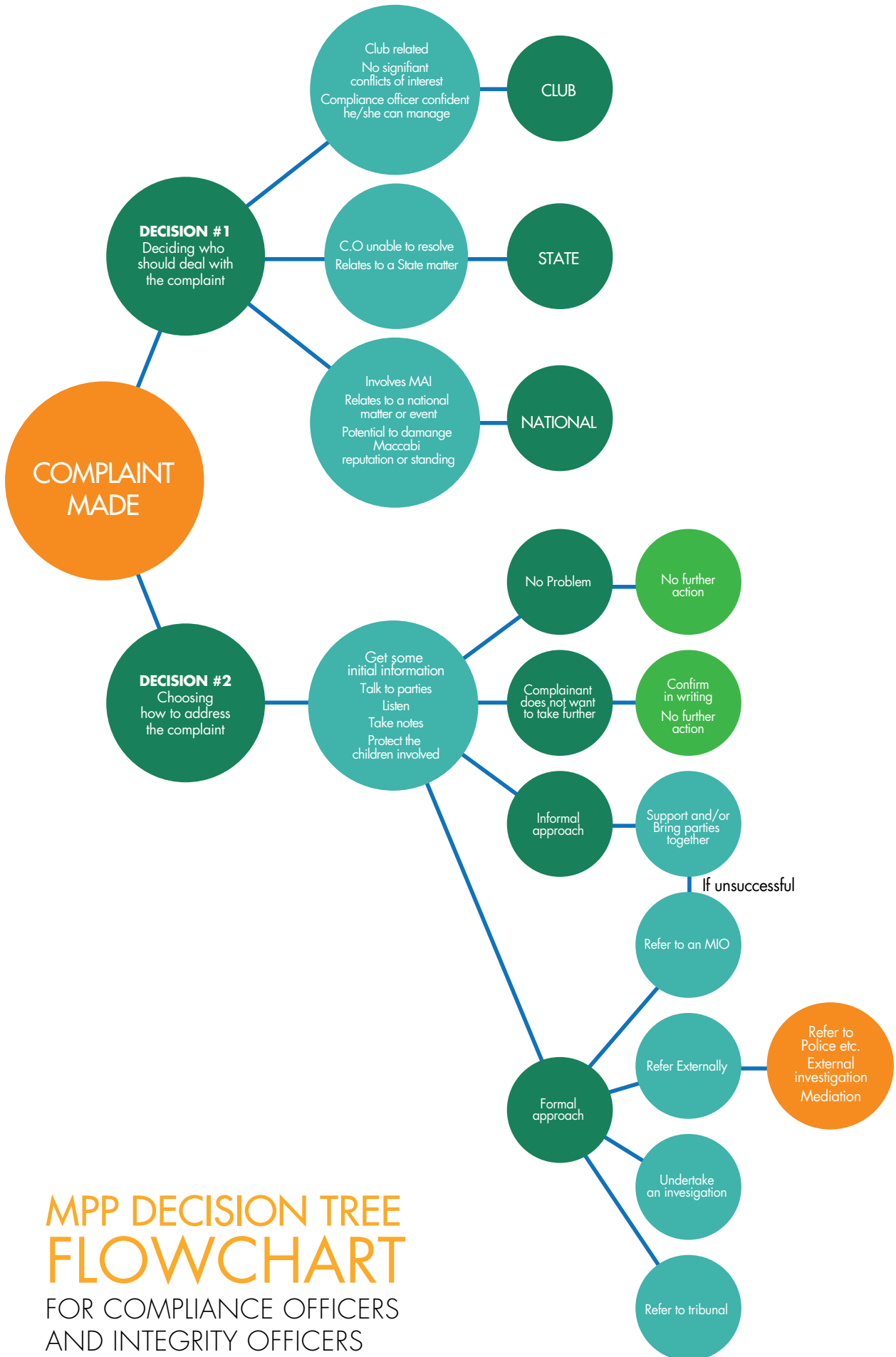
In a small Club, there may be no Compliance Officer other than the President, in which case the President can ask the State or National MIO to assist with the resolution of the issue.

Where the grievance or complaint affects the Maccabi organisation more generally it is expected that the relevant MIO will initially deal with the matter.

If there is uncertainty as to whether the Complaint involves National or State issues, it should be referred to the President of MAI, whose decision as to the Maccabi level that should deal with the matter is final and binding on all parties.

Complaints may also be referred at any stage to one of Maccabi's Grievance Tribunals via an MIO. There is a Grievance Tribunal in each State as well as a National Grievance Tribunal.

If the Complaint relates to child abuse, include allegations, suspicions and disclosures of child abuse, sexual assault or other criminal activity, then the Club (usually through its President) will need to report the behaviour to the relevant Child Protection agency and/or police.



# MPP DECISION TREE FLOWCHART

FOR COMPLIANCE OFFICERS AND INTEGRITY OFFICERS

The Compliance Officer should seek advice from the National or State MIO if there is any doubt that a report may be necessary. Also, they can seek advice from an external agency (e.g. State Department of Sport or anti-discrimination agency) regarding their obligations relating to the reporting of an incident.

These matters will be addressed in accordance with legislative requirements and should immediately be escalated to the relevant State or MIO (whichever is appropriate) once the complaint has been received.

## 2. WHERE TO START: GENERAL PRINCIPLES FOR DEALING WITH COMPLAINTS

### STARTING OUT

Having determined who is the most appropriate Officer to deal with the matter, what might a grievance/complaint be about?

A person (whether a Participant or someone outside Maccabi) might wish to complain about someone behaving in a manner believed to be contrary to one of the MPPs and/or not complying with the standards set out in the MPP Handbook. A person might also wish to complain about someone:

- engaging in conduct which brings (or is likely to bring) Maccabi or the person complaining into disrepute or is contrary to the Maccabi Codes of Conduct;
- failing to comply with a penalty imposed after a finding that the individual or body has breached a MPP; or
- failing to comply with a direction given during a Maccabi disciplinary process.

On receiving the complaint, the Compliance Officer / MIO should:

- attempt to talk to the parties individually.
- listen carefully and ask questions to understand the nature and extent of the problem, including who the complaint is about, when the alleged conduct/ incident complained or occurred, what other people (if any) were present at the relevant time, and what steps (if any) the person making the complaint has already taken to resolve the matter;
- if a child is involved, ensure that the child is always accompanied by a parent or another appropriate adult support person;
- if witnesses or subject experts would likely be able to assist, interview them and take a Record of Conversation
- if there is an allegation of unacceptable conduct, discuss with the parties the options available (see below);
- take notes and record any outcomes or decisions. All relevant documents must be kept in a secure and confidential location; and
- maintain confidentiality as appropriate but not necessarily guarantee anonymity. Explain to the person(s) making the complaint that if they wish to remain anonymous, Maccabi may have difficulty assisting them in resolving the complaint. This is because procedural fairness will require Maccabi to provide the person(s) who are the subject/s of a complaint with sufficient details about the complaint to enable them to properly respond to the matters that have been raised about their alleged conduct.

## 3. WHAT ARE THE OPTIONS FOR DEALING WITH COMPLAINTS?

On the basis of the information gathered initially to understand the matter, the Compliance Officer or the MIO might decide whether:

- there is no problem, the issue is not an MPP issue and must be dealt with elsewhere or that the complaint does not require further action;
- the complaint is not significant and that the person making the complaint does not wish to take the matter forward. Ideally this should be confirmed with the original complainant in writing (e.g. email) If the complaint involves a child, the decision not to take the matter forward must be promptly confirmed in writing with the child's parent/guardian;
- an informal approach to resolve the issue should be adopted (with or without their involvement or a support person);
- a formal approach to resolve the issue should be adopted; or
- the matter should be immediately referred to a Grievance Tribunal.

### INFORMAL OPTIONS

Where an informal option is determined to be the most appropriate or preferred option, the Compliance Officer or MIO might:

- support the person making the complaint to talk to the person being complained about;
- bring all the people involved in the complaint together to talk through the problem (this could include a mediation); and/or
- refer the matter to the State or National MIO for informal resolution.

**Note.** *An informal process will not be appropriate for allegations of child abuse or sexual abuse or other criminal conduct. In such circumstances the Compliance Officer or MIO must immediately refer the matter to the relevant authority/Child Protection agency or police.*

An informal process may also not be appropriate for a potentially serious breach of the MPP. Such alleged breaches will usually be dealt with by the adoption of a Formal Option approach referred to below.

### FORMAL OPTIONS

Where a formal option is determined to be the most appropriate or preferred option, the Compliance Officer or MIO has a number of options to consider. These are listed below along with some of the things to consider in determining the appropriateness of each one:

- Refer the complainant to an external agency such as a community mediation centre, police or state or federal anti-discrimination agency: This will be the preferred option:
  - if a criminal offence is alleged to have been committed;
  - if unlawful discrimination or harassment is alleged to have been committed; and/or
  - where the likelihood of resolution by the parties themselves seems extremely unlikely.
- Refer the complaint to an external independent investigator for investigation (costs may need to be considered). This will be the preferred option:
  - if the investigation seems likely to be particularly complex
  - if there are significant numbers of individuals involved in the matter
  - if either of the parties appears to be particularly difficult
- Refer the complaint to a mediator appointed by agreement of the parties;
 

Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution. 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 narrow the matters that are subject to the dispute and determine what outcomes they are seeking in a fair and balanced way.

- Undertake an investigation of the facts and issues in dispute (refer to Section 4. below for how to proceed). This will be the preferred option:
  - where there are only somewhat minor discrepancies in how the matter is viewed by parties initially
  - the Compliance Officer or MIO feels adequately prepared to investigate the matter
  - where the parties indicate they are willing to abide by the recommendations and subsequent decisions made by the appointor to the case
- Refer the complaint to a Maccabi Grievance Tribunal (refer to Section 7. below for how to proceed). This will be the preferred option:
  - if the matter appears complex, and needs to be heard rather than investigated
  - if the parties insist they wish to bypass the examination of the matter by the MIO and request a Grievance hearing and the MIO deems this appropriate
  - if the matter is urgent and/or the circumstances so require such forum to hear and determine the dispute or part thereof e.g. if a party is stood down by Maccabi pending an investigation and the relevant party refuses to abide by the interim suspension pending a formal investigation or disciplinary decision by the Appointor or relevant Club Executive.

#### 4. WHAT TO DO IF A MATTER IS INVESTIGATED

If the investigation is to be conducted at Club level, the Compliance Officer needs to gather the material facts and circumstances. Where necessary, the Compliance Officer may seek advice from an MIO about how to do this. Procedures for undertaking an investigation listed in the following section can be referred to as well.

Given that complaints and grievances may vary in seriousness and complexity, Maccabi reserves the right to depart from its guidelines as it considers appropriate in the circumstances.

If it is decided that a complaint should be investigated by an MIO or an external agency the relevant State or National MIO or external agency should be contacted and the Club and Compliance Officer should:

- co-operate fully;
- provide all relevant potential witness names and contact numbers as soon as possible;
- ensure that the parties that are the subject of the complaint (including both the person(s) who has made a complaint and the person(s) subject to the complaint) are not victimised;
- where applicable and appropriate, ensure that the parties to a grievance or complaint are not placed together in an unsupervised situation; and
- act on the recommendations of the investigator, State Body or MAI.

**Note:** *At any stage of the process, a person has a legal right to seek advice from or lodge a complaint with a state or federal anti-discrimination agency or another external agency.*

#### 5. APPOINTING AN MIO

##### WHO CAN APPOINT AN MIO?

An MIO can be appointed at the request of any member of Maccabi and by any other person or organisation that has agreed or agrees to be bound by Maccabi's MPP.



## MIO DEED OF APPOINTMENT

Immediately on an MIO's appointment, the person appointing the MIO ("the Appointor") shall execute a MIO Deed of Appointment. This document will confirm the MIO's appointment and will briefly summarise the dispute/complaint. It will also specifically exclude and indemnify the MIO from any liability and claims arising from any matters associated with their appointment and will deal with issues of confidentiality, privacy and reporting.

A template MIO Deed of Appointment is set out at the end of this Chapter.

## THE MIO'S ROLE

An MIO may be asked or expected to:

- a. Attempt to resolve the dispute or grievance or
- b. Undertake an investigation.

In each case:

- i. the MIO shall undertake their role as fairly and expeditiously as possible;
- ii. the MIO shall assess the appropriateness of acting in the matter having regard to any possible conflict of interest (real or perceived) and their competency and knowledge to undertake the role; and
- iii. where it is believed that a conflict of interest exists, the MIO must escalate the matter to the Chair of the MPP Sub Committee, who will work to appoint another MIO.

## PROCEDURES FOR UNDERTAKING INVESTIGATIONS

- a. Where the MIO is asked to undertake an investigation they shall NOT make a final determination of the matter referred to him/her. In such cases their role is to gather the relevant facts, circumstances and make recommendations to the Appointor on how the matter may be resolved.
- b. When undertaking an investigation, the MIO will:
  - i. Seek to obtain signed witness statements from the Complainant and the Respondent (as a minimum) and any other relevant witnesses setting out their views and material facts and circumstances relating to the dispute;
  - ii. Seek any other evidence (online records, correspondence, photo/video etc.) or documents that informs the investigation or on which the Complainant, Respondent and/or witnesses wish to rely; and
  - iii. Provide a written report that:
    - outlines the approach taken and the information and documentation that was gathered
    - summarises his/her observations and identification of risk management issues
    - recommends how the Dispute should then be handled or resolved, and
    - sets out the reasons/rationale for the recommendations.
- c. No witness statements (signed or unsigned) or other material documents obtained by the MIO will accompany his/her report to the Appointor.
- d. The MIO shall provide a copy of his/her report to the Appointor, the President of the relevant Maccabi Club, the President of the relevant Maccabi organisation and the Chair of Maccabi Australia's MPP Sub-Committee. The MIO has no obligation to provide a copy of their report to the Complainant or the Respondent or any other parties and should not release the report to any third party at any time. By agreement with the Appointor, the MIO could write or assist with writing a short summary document to be provided to the Complainant and Respondent.

- e. The MIO's report and the recommendations contained therein shall be considered by the Appointor who may choose to either accept or reject them in his/her absolute discretion. Any subsequent decisions by the Appointor regarding the Dispute shall be advised to the parties as soon as practicable by the Appointor or his/her nominee following receipt of the MIO's report. Any party affected by the Appointor's decision shall be free to exercise their right of appeal as set out in the MPP, provided always that such right is exercised within 14 days of receipt of the Appointor's decision.
- f. Signed witness statements by the Complainant, the Respondent or other witnesses, investigation notes and any other evidence that has been gathered in the course of the investigations should, if the Grievance Tribunal so directs, be made available to the Tribunal and at their discretion made available to the parties.
- g. The MIO may retain the services, advice and assistance of such other person or persons as they may choose in discharge of their duties under the terms of their appointment.
- h. The parties shall disclose any factors relating to any unresolved personal, professional, or financial conflicts of interest, which would prevent them from being seen to be acting fairly, objectively, and without bias, or which reasonably would give the appearance of a lack of fairness, lack of objectivity, or the presence of bias.
- i. All persons who participate in any investigation undertaken by the MIO in relation to the Dispute shall agree that all information and material which comes to their knowledge in any capacity as a participant in the investigation shall be kept confidential and shall not be disclosed to any other party unless it is, or part of it is, in the public domain, whereupon, to the extent that it is public, this obligation shall cease.
- j. The MIO shall be permitted to conduct an investigation into such manner as he/she thinks fit in order to try and resolve the dispute including but not limited to requiring a Club or any other person involved in the dispute to produce any relevant document in their possession, custody or control and/or for any such involved person to answer any reasonable question in relation thereto. Any requests for names and contact details of any potential witnesses or the production of relevant documents shall be dealt with in a timely manner and each of the parties shall use their best endeavors to assist the MIO to complete his/her investigation and report as soon as practicable after the date of the MIO's appointment.
- k. In conducting an investigation, the MIO:
  - i. must approach and undertake the matter without bias;
  - ii. must give the Organisation/Club and any relevant persons a fair hearing and otherwise observe the rules of procedural fairness;
  - iii. is not bound by rules of evidence;
  - iv. may inform him/herself of any matter they see fit (for example, by contacting ChildWise at <https://www.childwise.org.au/>);
  - v. shall determine the procedure to be followed in respect of the investigation; and
  - vi. have regard to the policies and procedures contained in the MPP Handbook and the MPP Management Tool Kit.
- l. All parties participating in the investigation are to be bound by Maccabi's Privacy Policy and the Australian Privacy Principles (or APPs) in the Privacy Act 1988 (Cth).

## 6. DISCIPLINARY MEASURES

Any relevant Maccabi organisation, Club, Maccabi Grievance Tribunal or Appeals Tribunal (as the case may be) may take disciplinary action against anyone who makes false or vexatious allegations or complaints or who is determined to have breached a standard or policy that is set out in the Handbook (including any Code of Conduct).

The ability to take such disciplinary action may be limited by the relevant governing documents such as its Constitution and By-Laws.

Possible measures that may be taken include:

- requiring a verbal and/or written apology;
- requiring counselling to address behaviour;
- withdrawal of any awards, placings, records or achievements bestowed in any tournaments, activities or events held or sanctioned by a Club;
- suspension or termination of membership, participation or engagement in a role or activity;
- e-registration of accreditation for a period of time or permanently; or
- any other form of discipline that the relevant Maccabi organisation, Club, Grievance Tribunal or Appeals Tribunal considers reasonable and appropriate.

All disciplinary decisions should be made in accordance with the rules of procedural fairness.

The relevant Maccabi organisation or Club may wish to get advice about the decision making process. What is appropriate will depend on the circumstances of the particular case and who is empowered by the Constitution to make the decision.

## 7. REFERRAL TO A MACCABI TRIBUNAL AND APPEALS

The person making the complaint or the person who is subject to a complaint may at any time request that the matter be referred from a Club to the State or National MIO, or from an MIO to a Tribunal. Escalation to a Tribunal must take place via the MIO.

Further more, either party to the complaint may appeal the decision of the Grievance Tribunal. The matter will then be heard by the Maccabi Appeals Tribunal. The finding of the Appeals Tribunal should be considered final and binding on all parties.

Tribunal Rules and Procedures are set out in Chapter 3 of this Tool Kit.

## 8. REPORTS REQUIRED TO BE MADE TO MPP SUB COMMITTEE

At the end of each six-month period ending June and December, each Compliance Officer and State and National MIO is required to submit a report to the Chair of the MPP Sub Committee outlining all grievances and complaints and referrals to external authorities and the associated known outcomes.

The information provided to the Chair will be used to assess the effectiveness of the Maccabi complaints and reporting processes and will be used to improve policies and processes relating to identified incidents and issues.

The relevant Compliance Officer or MIO will also be required to submit a report at the conclusion of a Maccabi event (e.g. Junior Carnival, Maccabiah). The above reports will be submitted on the template contained in the attachments to this Tool Kit.

## 9. DEALING WITH MEDIA

The President of MAI is the official spokesperson for Maccabi on a national level and the President of the relevant State Body is the official spokesperson on a State level. All media releases or comments on matters relating to conduct that is not in accordance with the MPP or the Codes of Conduct or that may in some way adversely impact the standing and reputation of Maccabi in the community must first be approved by the relevant President or his/her duly authorised representative.

# PROFORMA

The following proforma is provided to assist with enacting this Chapter of the Tool Kit

PROCEDURES

CONFIDENTIAL RECORD OF COMPLAINT OR GRIEVANCE		
Name of person receiving complaint/grievance	Name: ..... Phone: ..... Email: .....	Date:    /    /
Complainant's name & contact details	Name: ..... Phone: .....    Email: ..... <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Complainant's Role /status at Maccabi	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official    .....	
Location/date/event of alleged issue		
Facts as stated by complainant		
Nature of complaint/grievance (category/basis/grounds)  *Can tick more than one box	<input type="checkbox"/> Unlawful discrimination <input type="checkbox"/> Pregnancy <input type="checkbox"/> Bullying <input type="checkbox"/> Harassment <input type="checkbox"/> Disability <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Coaching methods <input type="checkbox"/> Personality clash <input type="checkbox"/> Sexuality <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Race <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Victimisation	
What <i>they</i> want to happen to fix the issue		
Any documentation or other information provided by complainant ?		
What <i>they</i> are going to do now		
Methods (if any) of attempted informal resolution		

CONFIDENTIAL RECORD OF COMPLAINT OR GRIEVANCE (CONTINUED)

(if relevant) Formal resolution procedures to be followed <i>(outline)</i>	
If investigated, the scope of investigation, including people spoken to	
If investigated	Findings: ..... .....
If hearing took place	Date of hearing: / / Parties present: ..... Decision: ..... Action recommended: ..... .....
If mediated	Date of mediation: / / Parties present: ..... Terms of Agreement: ..... Any other action taken: ..... .....
If went to Appeals Tribunal	Date of hearing: / / Members of Tribunal: ..... 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
Record Completed by	Name: Position: Signature: Date: / /
Signed by	Complainant:  Respondent:  Date: / /
<b><i>This record and any notes must be kept in a confidential and safe place. Do not enter it on a computer system. If the complaint is of a serious nature, or is escalated from Club to State or State to National level I, the original must be forwarded to the relevant MIO and a copy kept by the local MPCO or MIO.</i></b>	

## NOTICE OF REFERRAL – FOR REFERENCE OF A MATTER TO A GRIEVANCE TRIBUNAL OR TO AN APPEALS TRIBUNAL

This is the official notification for your attendance at the below-stated Grievance Tribunal Hearing. You have been sent this notice as a Party to the hearing or as a relevant witness. Your attendance is expected. If you do not attend, the Tribunal may make a determination in your absence.

**Administrative Details:**

Case/Reference no:	
--------------------	--

Party 1:	
----------	--

Party 2:	
----------	--

• **Operational Details:**

Type of Hearing (Tribunal or Appeals Board):	
---	--

Date and Time of Hearing:	
---------------------------	--

Venue:	
--------	--

• **Charge(s), Claim(s), Matter(s), or Misconduct(s) & Determinations:**

**Party 1**

Charge(s), Claim(s), Matter(s) or Misconduct(s) – as applicable:	Tribunal or Appeals Board Determination
--	---

--	--

**Party 1**

Charge(s), Claim(s), Matter(s) or Misconduct(s) – as applicable:	Tribunal or Appeals Board Determination
--	---

--	--

Other Notes:

# NOTICE OF APPEAL

Date: / /

All details below MUST BE completed

<b>Name of Appellant:</b>	
<b>Email or Fax or the Appellant:</b> <i>(Correspondence regarding the Appeal will be sent to your Club via Email or Fax)</i>	
<b>Date of initial Tribunal hearing:</b>	
<b>Parties to dispute:</b> <i>(i.e. Maccabi Netball Club &amp; J Smith (coach))</i>	
<b>Nature of dispute:</b> <i>(i.e. Misconduct, game protest, red card fixed penalty appeal, other – please specify)</i>	
<b>Grounds for Appeal:</b> <i>(Please specify your reasons for Appealing the initial Tribunal determination)</i>	The findings made by the Tribunal were wrong because ..... ..... The penalty imposed by the Tribunal was excessive because ..... .....

**Best Contact Person regarding the Appeal**

Name: ..... Phone Number: .....

Position at Club: .....

PLACE NAME & SIGNATURE OF CLUB PRESIDENT/  
SECRETARY IN THE ABOVE BOX OR NAME AND  
SIGNATURE OF APPELLANT IF NOT A CLUB

**Payment of Appeal Fee**

Payment Options:

- Option 1: via Cheque made payable to: Maccabi Australia Inc.
- Option 2: via Credit Card by completing the details below

Name on Card: .....

Card Number: ..... Expiry: .....

Card Type: (VISA/MASTERCARD) Amount to be Charged: \$.....

Signature of Card Holder: .....

## REPORTING TEMPLATE TO MPP SUB COMMITTEE

**Integrity Officer Report Summary - <Quarter, year>**  
**<Event name / Maccabi State>**  
**Integrity Officer – <insert name>**  
**To be Submitted to:** Chairman of the MPP Sub Committee

### PROCEDURES

1. Briefing – please provide an overview about how you were briefed into the Integrity Officer role and your level of comfort at fulfilling the role. Discuss any training provided.
2. What do you believe, if anything needs to be improved in the policies and procedures for the Integrity Officer or the MPP in general?
3. How many calls did you receive?
4. What was the nature of the calls and what was the outcome?

Call #	Nature of the complaint/grievance	Outcome
1.		
2.		
3.		
4.		

5. If a grievance form was completed, please send copies attached to this report to MAI, marked Confidential and to the attention of Philip Sheezel Chairman MPP Sub-Committee at Level 1 176 Bambra Rd Caulfield South 3162 VIC. Please retain the originals securely with your state office.



## MIO DEED OF APPOINTMENT

This Deed of Appointment is made on \_\_\_\_\_ day of \_\_\_\_\_

### PARTIES

This Deed is made between the parties set out in Item 1 of the Schedule.

For the purposes of this Deed:

- a. the person who seeks an appointment under this Deed shall be referred to as **"the Appointor"**;
- b. the person who has a complaint or grievance that they wish to be resolved under the terms of Maccabi's Member Protection Policies and Procedures (**"the MPP"**) shall be referred to as **"the Complainant"**;
- c. the person (s) against whom the grievance or complaint has been made shall be referred to as **"the Respondent(s)"**; and
- d. the person who has been appointed a Maccabi Integrity Officer in accordance with the MPP shall be referred to as **"the MIO"**

### BACKGROUND

- a. A dispute has arisen between the parties set out in **Item 1** of the Schedule.
- b. A brief summary of the issue in the dispute (**"the Dispute"**) is set out in **Item 2** of the Schedule
- c. The Appointor (and the other parties who execute this Deed) wish to appoint the MIO to assist in the resolution of the Dispute in accordance with the arrangements specified in the MPP.
- d. The Appointor has requested the MIO to undertake the task or tasks specified in Item 3 of the Schedule and the MIO has agreed to undertake such tasks on the terms and conditions herein specified.

### AGREEMENT

The Appointor, the Complainant and the Respondent **hereby agree as follows:**

1. The Appointor appoints the MIO to undertake the task(s) set out in Item 3 of the Schedule and the MIO agrees to accept such appointment on the terms and conditions herein contained. The MIO agrees to undertake the task assigned to him/her in accordance with the arrangements specified in the MPP Handbook and as expeditiously and as fairly having regard to issues of procedural fairness to all parties involved in the Dispute.
2. Where practicable to do so, the MIO shall obtain the consent of the Complainant and the Respondent to his/her appointment on the terms and conditions specified in this Deed. However, where such consent cannot be obtained within a reasonable time, the MIO is authorised to proceed with the signature of the Appointor alone.
3. Where the Appointor has requested the MIO to undertake an investigation of the Dispute, the MIO shall:
  - a. seek to obtain signed witness statements from the Complainant and the Respondent and any other relevant witnesses, setting out their views in relation to the dispute and any evidence or documents on which they wish to rely;
  - b. collect any other relevant evidence in the form of documents, images or correspondence to inform the investigation; and
  - c. provide a written report that:
    - i. highlights key issues in the form of an executive summary

- ii. outlines the Complainant, Respondent and other Witness names and roles
  - iii. outlines the documents and other evidence that has been collected
  - iv. summarises his/her recommendations as to how the Dispute should be handled or resolved, and
  - v. sets out their reasons for their recommendations.
4. The MIO shall provide a copy of his/her report to the Appointor, to the President of the relevant Maccabi Club, to the President of the relevant Maccabi organisation and to the Chair of Maccabi Australia's MPP Sub-Committee. The MIO shall have no obligation to provide a copy of their report to the Complainant and the Respondent or any other parties. It is at the absolute discretion of the Chair of Maccabi Australia's MPP Sub-Committee, to consider it to be appropriate to provide a copy to any other parties.
  5. The MIO's report and the recommendations contained therein shall be considered by the Appointor who may choose to either accept or reject, in his/her absolute discretion. Any subsequent decisions by the Appointor regarding the Dispute shall be advised to the parties as soon as practicable by the Appointor or his/her nominee following receipt of the MIO's report. Any party affected by the Appointor's decision shall be free to exercise their right of appeal as set out in the MPP, provided always that such right is exercised within 14 days of receipt of the Appointor's decision.
  6. Signed witness statements by the Complainant, the Respondent or other witnesses, investigation notes and any other evidence that has been gathered in the course of the investigations should, if the tribunal so directs, be made available to the tribunal and at their discretion made available to the parties.
  7. The MIO may retain the services, advice and assistance of such other person or persons as he/she may choose in discharge of their duties under the terms of their appointment.
  8. The parties shall disclose any factors relating to any unresolved personal, professional, or financial conflicts of interest, which would prevent them from being seen to be acting fairly, objectively, and without bias, or which reasonably would give the appearance of a lack of fairness, lack of objectivity, or the presence of bias.
  9. All persons who participate in any investigation undertaken by the MIO in relation to the Dispute shall agree that all information and material which comes to their knowledge in any capacity as a participant in the investigation shall be kept confidential and shall not be disclosed to any other party unless it is, or part of it is, in the public domain, whereupon, to the extent that it is public, this obligation shall cease.
  10. The MIO shall be permitted to conduct an investigation into such manner as he/she thinks fit in order to try and resolve the Dispute including but not limited to requiring a Club or any other person involved in the Dispute to produce any relevant document in their possession, custody or control and/or to answer any reasonable question in relation thereto. Any requests for names and contact details of any potential witnesses or the production of relevant documents shall be dealt with in a timely manner and each of the parties shall use their best endeavors to assist the MIO to complete his/her investigation and report as soon as practicable after the date of the MIO's appointment.

11. In conducting an investigation, the MIO:
  - a. must approach and undertake the matter without bias;
  - b. must give the Club or relevant persons a fair hearing and otherwise observe the rules of procedural fairness;
  - c. is not bound by rules of evidence;
  - d. may inform him/herself of any matter they see fit;
  - e. shall determine the procedure of the investigation; and
  - f. have regard to the Maccabi rules and the MPP.
12. All parties participating in the investigation are to be bound by Maccabi's Privacy Policy and the Australian Privacy Principles (or APPs) in the Privacy Act 1988 (Cth) or any other applicable legislation.
13. The Appointor (and where the Complainant and/ or the Respondent are a party to this Deed) shall each jointly and severally release and discharge the MIO from any liability past, present or future from all claims, suits, demands, actions or proceedings whatsoever arising out of or connected with the Dispute including, without limitation, any matters relating to any
14. Investigation or report that may be provided by the MIO to the Appointor or to any other party and each of the parties jointly and severally indemnify and save harmless the MIO from any claims for damages or losses that may be incurred or suffered by any party arising directly or indirectly from the MIO's appointment and any actions taken by him/her under the terms of this Deed.

## EXECUTION

Executed as a deed.

**Appointor:** Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Complainant:** Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Respondent:** Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**MIO:** Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

## SCHEDULE

### ITEM 1: PARTIES TO THE DISPUTE:

<p><b>(a) The MIO:</b></p> <p>Name: _____</p> <p>Mobile: _____</p> <p>Email: _____</p>	<p><b>(b) The Appointor::</b></p> <p>Name: _____</p> <p>Mobile: _____</p> <p>Email: _____</p>
<p><b>(c) The Complainant:</b></p> <p>Name: _____</p> <p>Mobile: _____</p> <p>Email: _____</p>	<p><b>(d) The Respondent:</b></p> <p>Name: _____</p> <p>Mobile: _____</p> <p>Email: _____</p>
<p><b>(e) The Witness</b></p> <p>Name: _____</p> <p>Mobile: _____</p> <p>Email: _____</p> <p>Role: _____</p>	<p><b>(f) The Witness</b></p> <p>Name: _____</p> <p>Mobile: _____</p> <p>Email: _____</p> <p>Role: _____</p>

IF MORE THAN TWO WITNESSES, PLEASE ATTACH DETAILS

### ITEM 2: SUMMARY OF THE ISSUES IN DISPUTE:

---



---



---



---



---



---



---



---



---

### ITEM 3: TASKS TO BE UNDERTAKEN BY THE MIO

- Refer the complaint to an external independent investigator for investigation (costs may need to be considered);
- Refer the complaint to a mediator appointed by agreement of the parties;
- Refer the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency;
- Undertake an investigation of the facts and issues in dispute; and/or Refer the complaint to a Maccabi Grievance Tribunal.

# CHAPTER 3

## MEMBER PROTECTION TRIBUNAL RULES AND PROCEDURES

This Member Protection Tribunal Rules and Procedures chapter sets out the procedures that are to apply to those matters involving grievances and complaints referred to a Maccabi Grievance Tribunal or the Appeals Tribunal.

Complaints or grievances or disputes about conduct believed/alleged to be inconsistent with any Member Protection Policy ("Complaints") which cannot be resolved through the informal processes of mediation and settlement provided for in the Member Protection Management Toolkit may be referred for determination to a Grievance Tribunal established as follows.

### CONSTITUTION OF MACCABI GRIEVANCE TRIBUNAL

Each State Body and MAI must appoint a Chair of the Grievance Tribunal for that State Body or MAI (as relevant) and a Deputy Chair to act in his or her absence. The Chair and Deputy Chair must be persons qualified to practise as a lawyer, retired practising lawyers or retired judicial officers.

If a Complaint is referred to a Grievance Tribunal the Chair must, in consultation with the Board of the State Body or MAI (as the case may be), appoint two suitable persons, who together with the Chair will constitute the Tribunal to deal with the particular Complaint.

### PROCEEDINGS AND POWERS OF GRIEVANCE TRIBUNAL

Referral of Complaints may be made by a Member Protection Compliance Officer ("Compliance Officer") at Club level, or a Maccabi Integrity Officer ("MIO") at State or National level. If a complainant requires the Complaint to be referred to the Grievance Tribunal, then the Compliance Officer or MIO must refer it to the Grievance Tribunal.

Referral of a Complaint to a Grievance Tribunal does not prejudice the right of a complainant to pursue proceedings otherwise available at law. The Tribunal may in its absolute discretion adjourn or defer dealing with the Complaint whilst those legal proceedings are current.

The respondent(s) will be allowed to participate in Maccabi activities and events, pending the decision of the Grievance Tribunal, including any available appeal process, unless the Compliance Officer or MIO considers it is necessary to exclude the respondent/s from all or some activities and events because of the nature of the Complaint. The Compliance Officer or MIO must communicate any decision to exclude the respondent/s in writing.

The relevant State Body or MAI, as the case may be, should provide such secretarial and administrative assistance to the Grievance Tribunal as is necessary and appropriate in the circumstances of each matter.

The person referring the matter to the Tribunal should forward to the Chair three (3) copies of all documentation held in connection with the Complaint. Whether and to what extent that documentation is considered by the Tribunal in dealing with the matter will be at the discretion of the Tribunal.

Any person providing any information/documents to the Tribunal (e.g. investigation report findings) must provide that material to the complainant(s) and respondent(s) unless the Tribunal otherwise orders.

Upon receipt of the referral, the Chair, in consultation with the members of the Tribunal, will contact each of the parties either in writing or by electronic transmission to enquire as to their readiness to proceed, and what further steps need to be taken to prepare the Complaint for hearing and will fix a date, time and place for the hearing of the Complaint.

The conduct of the proceedings is at the discretion of the Tribunal. The Tribunal is not bound by the laws of evidence and may inform itself about any relevant matter in a manner which it determines is appropriate in the circumstances. The Tribunal must act as quickly, efficiently and effectively as practicable subject always to the overriding considerations of compliance with the rules of procedural fairness.

The proceedings of the Tribunal will be conducted in private, but at all times inviting the attendance of the complainant and any respondent, and with such formality as it determines is appropriate. With the consent of all parties, and if it determines it is appropriate to do so, the Tribunal may determine the Complaint on the basis of such documentation as is before it (that is, "on the papers") without conducting a hearing.

Any complainant or respondent who is a minor or who has a disability or for any other reason requires the assistance or support of another person is entitled to the presence of such person. However, parties may only be represented by a legal practitioner with the Tribunal's permission. The Tribunal may only grant permission if it determines that, in the particular circumstances of the Complaint, legal representation is appropriate or will assist the Tribunal.

The Tribunal may proceed with any hearing in the absence of any party who, having been given appropriate notice, does not appear at the hearing.

The Tribunal may, at its absolute discretion, receive information and evidence in such form and from such persons as it considers appropriate. The Tribunal may, in its discretion, permit the cross examination of witnesses who give oral evidence.

All decisions of the Grievance Tribunal will be determined by a majority of the members. The Tribunal must, after the conclusion of any hearing, publish its decision and brief reasons for that decision to relevant and appropriate persons and/or organisations, either orally or in writing, as soon as practicable following its decision.

The Tribunal may impose any disciplinary measures available to it under the Constitution, rules and policies of the relevant Club, State Body or MAI. No disciplinary measures will be imposed unless the person or persons affected are given an opportunity to make submissions.

The Tribunal may make findings with respect to any Complaint referred to it and may direct the Club, State Body or MAI to take such action as is available under the relevant Constitution against any person or persons found to have engaged in misconduct or inappropriate behaviour as is warranted, including without limitation:

- requiring a verbal and/or written apology;
- requiring counselling to address behaviour;
- withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by a Club;
- suspension or termination of membership, participation or engagement in a role or activity;

- de-registration of accreditation for a period of time or permanently; and/or
- any other form of discipline that Maccabi considers reasonable and appropriate.

The above provisions apply in appropriate form to any finding of misconduct or misbehaviour on the part of a Club or State Body.

## THE APPEALS TRIBUNAL

Any party to proceedings before a Grievance Tribunal may appeal from that decision to the Appeals Tribunal via a "Notice of Appeal".

The Appeals Tribunal has been established by the Board of MAI, who has appointed a Chair and Deputy Chair to act in the absence of the Chair. The Chair and Deputy Chair must be persons qualified to practise as a lawyer, retired practising lawyers or retired judicial officers. The Chair shall, in consultation with the Board of MAI, appoint two suitable persons, who together with the Chair shall constitute the Appeals Tribunal.

An appeal against a decision of a Grievance Tribunal may only be made on one or more of the following grounds:

1. there was a lack of procedural fairness in the hearing or decision-making process;
2. any disciplinary measures imposed were deemed unjust or unreasonable; and/or
3. the decision was not supported by the information or evidence given to the Tribunal.

A Notice of Appeal must set out the grounds and reasons for the appeal. The Notice must be provided in writing (or by electronic transmission) to the Executive Director of MAI within 14 days of the decision against which the appeal is brought together with payment of the appropriate fee (currently \$180) which must be paid by MAI to the Maccabi Australia Sports Fund or any fund replacing that fund.

The proceedings of the Appeals Tribunal, including the conduct of any hearing, will be at the discretion of the Appeals Tribunal. In hearing and determining any appeal, the Appeal Tribunal may:

1. determine to uphold the findings/decision of the Grievance Tribunal;
2. reject the findings/decision of the Grievance Tribunal, in whole or in part; and/or
3. vary the findings/decision of the Grievance Tribunal.

The Appeals Tribunal must publish its decision and brief reasons for that decision to relevant and appropriate persons and/or organisations, in writing, as soon as possible after having reached a decision

## COSTS

A Tribunal has absolute discretion as to whether to order either party to pay the other's hearing costs. A Tribunal may not make any other type of costs order.

## EFFECT OF TRIBUNAL DECISIONS

Subject to any right of appeal, all decisions of a Grievance Tribunal and all decisions of the Appeals Tribunal should be considered final and binding on all parties.

Every person, Organisation or Club bound by the MPP must recognise, be bound by and enforce any decision made by the Appeals Tribunal or a Grievance Tribunal (other than a decision under appeal to the Appeals Tribunal).

# CHAPTER 4

## PROCEDURES 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. If such an allegation is reported to Maccabi at any level, Maccabi is likely to have a responsibility to report to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from the designated State or Territory reporting authorities/government agencies. Advice may also be sought from community organisations including:

Victoria – Jewish Care’s Front Door .....	03 8517 5999
NSW – Jewish Care NSW First Call .....	1300 133 660
WA – Jewish Care WA.....	(08) 9275 6743
QLD – QLD Jewish Community Services, ..... Ari Heber .....	0423 194737 or ari@qjcs.org.au
Nationally – Tzedek..... or .....	1300TZEDEK (1300 893 335) info@tzedek.org.au
Childwise .....	<a href="https://www.childwise.org.au">https://www.childwise.org.au</a>

Given the seriousness of such allegations and the implications for both the alleged victim and the reputation and standing of the Maccabi organisation as a whole, the National MIO must be notified so that they can help to determine the way forward.

### STEP 1: INITIAL RECEIPT OF AN ALLEGATION

Where there is an allegation or suspicion of child abuse or if a child discloses harm or abuse to an adult or another child the Maccabi person receiving the complaint, (whether it be a Compliance Officer, another Club official or an MIO) should:

- stay calm, be careful not to project your own anxieties onto the child;
- act promptly as the child’s safety may be at risk
- listen, be supportive and do not challenge or undermine what the child says. Appropriate language might include: “Can you tell us why you feel unsafe? We can take steps to help you feel safe.”
- reassure the child that whatever has occurred is not the fault of the child. Appropriate language might include: “I understand that you are upset. You need to know that this is not your fault”;
- be honest with the child and explain that other people may need to be told in order to stop what is happening; Do not make promises to the child like “tell me what happened and I promise I won’t tell anyone”. In order to protect the child, you will need to tell someone.
- ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;



- accurately record the discussion in writing, quote the child where possible, and keep your notes in a secure and confidential location;
- do not discuss the details with any person other than those detailed in these procedures; and
- *do not contact the alleged perpetrator for any purpose.*

*If an allegation is made by a third party:*

If the allegation is brought to the attention of Maccabi by a third party who has no specific knowledge however they have a reasonable suspicion due to their own observation or information they have received, Maccabi should undertake some investigation prior to reporting the allegation. The nature of this investigation will be dependent upon the information available, but may require the use of a third party investigator to determine whether the matter needs to be reported to the appropriate authorities. Should this situation arise, the National MIO must be contacted to help determine the way forward.

## STEP 2: REPORT ALLEGATIONS

Where a prima facie case of child abuse (whether current or past) is believed to exist, then Maccabi should:

- immediately report any allegation or disclosure of child abuse or suspected or known situation involving a child at risk of harm, to the relevant Child Protection agency or police. You may need to report to both. See State by State reporting obligations below; and
- 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).

## STEP 3: PROTECT THE CHILD AND MANAGE THE SITUATION

The MIO or the State President or Club President (whichever is the most relevant) should:

- assess the risks and take interim action to ensure the child's/children's safety.
- consider the kind of support that the child/children and parent/parents may need (e.g. counselling, helplines, support groups);
- where child abuse allegation is made it is recommended that the alleged perpetrator be immediately stood down (that is, suspended) from their duties;
- address the support needs of the alleged perpetrator;
- maintain privacy and put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip; and
- if the person is stood down, it should be made clear to any persons aware of the incident that this is part of due process and does not mean the respondent is guilty and that a proper investigation will be undertaken.

## STEP 4: INTERNAL ACTION

Irrespective of the findings of the relevant Child Protection agency and/or police inquiries, the matter must be referred to the appropriate Grievance Tribunal and there may need to be an investigation to decide whether the person investigated should be disciplined.

If disciplinary action is taken, MAI or the relevant State Body or the Club should, if required by law, advise and provide a report to the relevant government reporting authority (e.g. both the Victorian and NSW Commission for Children and Young People requires notification of relevant employment proceedings).

# PROFORMA

The following proforma is provided to assist with enacting this Chapter of the Tool Kit

CONFIDENTIAL RECORD OF CHILD OR SEXUAL ABUSE ALLEGATION		
<p>Before completing, ensure the procedures outlined in paragraphs 9 &amp; 10 have been followed and the matter has been referred to the police and/or relevant government agency.</p>		
<b>Complainant's Name</b> (if other than the child) & Contact details	Name: ..... Phone: ..... Email: .....	Date Formal Complaint Received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse <i>(e.g. observation, injury, disclosure)</i>	..... ..... .....	
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other	
Witnesses <i>(if more than 3 witnesses, attach details to this form)</i>	Name (1): ..... Contact details: ..... Name (2): ..... Contact details: ..... Name (3): ..... Contact details: .....	
Interim action (if any) taken <i>(to ensure child's safety and/or to support needs of person complained about)</i>	..... ..... .....	
Police contacted	Who: (Station/Officer name/no.) ..... Report reference: ..... When: ..... Advice provided: .....	
Government agency contacted	Who: ..... When: ..... Advice provided: ..... .....	
CEO contacted	Who: ..... When: .....	

## CONFIDENTIAL RECORD OF CHILD OR SEXUAL ABUSE ALLEGATION

Police and/or government agency investigation	Finding: ..... ..... .....
Internal investigation (if any)	Finding: ..... ..... .....
Action taken	..... ..... .....
Completed by	Name: .....  Position: .....  Signature: ..... Date:    /    /
Signed by	Complainant (if not a child):
<i><b>This record and any notes must be kept in a confidential and safe place and provided to the relevant authorities (police and government) should they require them. Do not enter it on a computer system.</b></i>	

# RELEVANT CHILD PROTECTION ENTITIES FOR REPORTING CHILD ABUSE

## REPORTING CHILD ABUSE AND NEGLECT

In Australia, state and territory governments are responsible for receiving reports of suspected child maltreatment from members of the public. Anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to the authority in their state or territory. This resource provides information for the general public about how to report suspected child abuse or neglect.

However it is important to note that in all states and territories of Australia, certain groups of people are required by law to report any suspicion of abuse and neglect of a child. Further guidelines regarding mandatory reporting can be found at <http://www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html>.

Please note that you do not need to be absolutely certain that abuse or neglect of a child has occurred to call these authorities. If you suspect a child is at risk of maltreatment, you may call the authority to discuss your concerns and they will decide whether an investigation is required.

## NEW SOUTH WALES

### REPORTING AUTHORITY

Department of Family and Community Services

Department of Family and Community Services  
Head Office  
4-6 Cavill Ave  
Ashfield, NSW 2131  
Locked Bag 4028  
Ashfield, NSW 2131  
Ph: (02) 9716 2222

### CONTACT DETAILS

**Child Protection Helpline:**  
132 111 (TTY 1800 212 936)  
for the cost of a local call 24 hours a day, 7 days a week.

If you are a mandatory reporter, you can call the Child Protection Helpline on 132 111.

## VICTORIA

### REPORTING AUTHORITY

Department of Human Services  
Children, Youth and Families  
Level 9, 50 Lonsdale St  
Melbourne VIC 3000

### CONTACT DETAILS

To report instances of child abuse:

**Metropolitan**  
Eastern: 1300 360 391 - Southern: 1300 655 795  
North & West: 1300 664 977

**Rural**  
Barwon S/West: 1800 075 99 - Gippsland: 1800 020 202  
Grampians: 1800 000 551 - Hume: 1800 650 227  
Loddon Mallee: 1800 675 598

**All regions after hours**  
Ph: 131 278

## WESTERN AUSTRALIA

### REPORTING AUTHORITY

Department for Child Protection

Department for Child Protection  
Central Office  
PO Box 6334  
East Perth WA 6892  
Ph: (08) 9222 2555  
TTY: (08) 9325 1232

### CONTACT DETAILS

To report instances of child abuse:  
(08) 9222 2555 or 1800 622 258  
After hours:  
(08) 9223 1111 or 1800 199 008  
If you are a mandatory reporter:  
Ph: 1800 708 704 (24 hours)  
Fax: 1800 610 614  
Email: mrs@dcp.wa.gov.au

## QUEENSLAND

### REPORTING AUTHORITY

Department of Communities  
Child Safety and Disability  
Services - Child Safety Services  
Child Safety Queensland  
PO Box 806  
Brisbane QLD 4002  
If you aren't sure who to call,  
or for assistance to locate your  
nearest child safety service  
centre call  
Child Safety Services' Enquiries  
Unit on: 1800 811 810

### CONTACT DETAILS

To report instances of child abuse:  
South East: ..... 1300 679 849  
South West: ..... 1300 683 390  
Far North QLD: ..... 1300 684 062  
North QLD: ..... 1300 706 147  
North Coast: ..... 1300 703 921  
Brisbane: ..... 1300 682 254  
Central QLD: ..... 1300 703 762  
After hours (all areas): ..... 1800 177 135

## SOUTH AUSTRALIA

### REPORTING AUTHORITY

Department for Education and  
Child Development  
Families SA  
Families SA  
Level 7, 108 North Terrace  
Adelaide SA 5000  
Phone: (08) 8124 4185

### CONTACT DETAILS

To report instances of child abuse:  
131 478  
After hours crisis care:  
131 611

## TASMANIA

### REPORTING AUTHORITY

Department of Health and  
Human Services - Child  
Protection Services  
Child Protection Services  
GPO Box 125  
Hobart, TAS 7001  
Ph: 1300 135 513

### CONTACT DETAILS

To report instances of child abuse:  
Ph: 1300 737 639 at any time  
Online notification is also available

Acknowledgements

Published by the Australian Institute of Family Studies, November 2016.

# CHAPTER 5

## SCREENING, RECRUITMENT AND INDUCTION BACKGROUND

As noted in the Handbook, it is imperative across all levels of Maccabi that we are prudent and formal in the screening, interviewing and induction of paid and unpaid volunteers and staff.

Each State and Territory has its own laws and processes, so it is a requirement of each State Body to ensure it remains informed about the relevant laws and informs its Clubs if changes impact upon them.

### SCREENING REQUIREMENTS

All levels of Maccabi must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with its Participants, particularly those under the age of 18.

The premise behind our screening and selection of staff and volunteers who work with children and young people is that every child has the right to be safe from harm. It is our aim to ensure that we recruit people who will ensure that the wellbeing and safety of children and young people who participate in Maccabi's activities are paramount.

Whilst much of the detail provided below relates to those working with children and young people, the theory remains as valid for those working with adults. Maccabi officials need to ensure that those being recruited into their organisation are appropriate to hold the positions they hold.

In order to achieve this, we need to recruit people with the best skill-sets, professional experience and qualifications for the role in question and who share Maccabi's values.

We need to make decisions about a person's suitability to work with children in a way that is ethical, transparent, efficient, timely and fair. Procedures also need to be consistent and exceptions cannot be made despite the fact that we may think we know someone very well.

The following steps need to be incorporated to achieve these aims:

- Identity Checks
- Qualifications Checks
- Working with Children Checks
- National Police Checks
- Face to Face interviews that include questions to check for suitability to safeguard children's wellbeing
- Professional and Personal Reference Checks

## DOCUMENTATION REQUIRED BEFORE APPOINTMENT

### PROOF OF IDENTITY

Some people intending to commit acts of sexual abuse make fraudulent claims about their qualifications and identity. Maccabi has developed a proof of identity check list in which three categories of documents must be sighted. You should sight at least one form of photographic identification and at least two other forms of identification should be signed by an authorised Maccabi person before appointments can be made (See Attachment 1 of this Chapter)

Clubs should retain copies of the documents along with the other recruitment paperwork where the candidate is successful. (See Attachment 1 of this Chapter).

### PROOF OF QUALIFICATIONS

If a person is being recruited on the basis of their professional qualifications, a copy of the transcript of a person's relevant qualification must be sighted and a copy made and kept. Enquiries with the educational institute may be made to ensure qualifications are legitimate and current. Applicants should be advised this could happen.

### WORKING WITH CHILDREN CHECKS (WWCC)

Each Australian State and Territory has its own legislation in relation to screening of staff and volunteers in relation to working with children. At the time of writing this policy, VIC, NSW, QLD and WA have legislated Working with Children Checks. In QLD the WWCC is referred to as a Blue Card. In South Australia a Criminal History Assessment system is in place.

It is essential that all Maccabi Representatives, including all Club Committee members, coaches and all Board members at the State and National levels and all the MIOs and Tribunal members, MMP sub committees, any paid personnel and volunteers assisting at any Maccabi event including international tours, must have a current valid Working with Children Check before commencing work with children and/or young people.

All Maccabi participants who hold a WWCC must add Maccabi Australia, 176 Bambra Rd Caulfield South Vic 3162, on their Working with Children Check records via the relevant government department in the State in which they reside where required to do so. All Clubs must request and be provided with a copy of the relevant WWCC check.

### NATIONAL POLICE CHECKS (NPC)

In jurisdictions in which there is no mechanism to obtain a Working with Children Check or the volunteer or staff member does not meet the local WWCC requirements, then a National Police Check must be obtained in place of a Working with Children Check. Where required the individual WWCC holder should advise their local state department of their connection with Maccabi and their reliance on the WWCC to work with children.

Additionally, from time to time there may be roles that require an Adult representative to undertake screening, therefore Maccabi reserves the right to request a NPC for these roles.

WWCC and NPC validity should be checked on a regular basis. From time to time requirements under the Working with Children Check legislation change.



To remain up to date with the legislation in your jurisdiction please refer to the following State-based websites:

- NSW: <http://www.kids.nsw.gov.au/Working-with-children/New-Working-With-Children-Check/New-Working-with-Children-Check>
- Victoria: <http://www.workingwithchildren.vic.gov.au/>
- Queensland: <http://www.ccypcg.qld.gov.au/bluecard/>
- WA <http://www.checkwwc.wa.gov.au/checkwwc>

Fact Sheets for each state and territory are also available on the Play by the Rules website: [www.playbytherules.net.au](http://www.playbytherules.net.au)

When appointing staff from overseas (or a person who has been a resident in Australia for less than 3 years) a criminal record check must be obtained from their country of origin. The onus is placed on the individual to provide a copy of the check and the local club must verify its authenticity with the applicable authority.

NOTE It is important to note that while young people under 18 do not need a Working with Children Check, Clubs need to ensure that upon turning 18, a young person employed or volunteering needs to obtain a Working with Children Check.

## INTERVIEWING OF PROSPECTIVE PAID AND VOLUNTARY STAFF

All applicants, but most specifically those with contact with children and young people, are required to attend at least one face-to-face interview.

During interviews, and in order to assess suitability to work with children, interviewers need to take into consideration the applicant's:

- reasons for leaving previous positions that involved working with children
- beliefs, values and motives in relation to working with and the treatment of children and young people (this can be achieved by asking applicant to respond to a scenario or case studies rather than asking directly)
- general awareness and understanding about Child Safety; and
- reasons for any unexplained gaps in work history.

Attachment 2 at the end of this Chapter contains a list of sample questions that can be asked. It is important to note, though, that when recruiting for positions that will be working with children and young people, it is preferred that a person trained in this area be included in the interview process. If there is no suitably qualified person in your Club, your State Body or MAI will be able to assist.

**NOTE:** *It is strongly recommended that, if an applicant is known to you from a context outside of Maccabi, you stand down from the interview panel due to a real or perceived conflict of interest.*

## REFERENCE CHECKS OF PROSPECTIVE PAID AND VOLUNTARY STAFF

Information from referees can provide valuable insights into a candidate's suitability for a role and to work with children and young people. Maccabi policy requires that you verify information about the applicant with at least two (2) and up to four (4) referees. Questions about the applicant's suitability to work with children are of key importance.

If an applicant is someone with a work history within Maccabi, and wishes to transfer or seek additional work in a new environment within Maccabi, you must check with their current or previous Club committee regarding their suitability to work with children and young people. Referees are of vital importance even for internal applicants and must not be overlooked. For example, when recruiting for team manager and youth leaders for a Junior Carnival and an applicant is or was a coach at a Maccabi Club, a reference check with that Club is required.

References can never override the need for requisite Working with Children Checks or National Police Checks (where applicable).

Sample Reference Check Questions can be found in the proforma documents at the end of this Chapter

## INDUCTION

Maccabi requires all staff and volunteers to sign the relevant Maccabi Participation Agreement, which includes the attachments to the Agreement.

At the various levels of Maccabi, those individuals who have taken on leadership and management positions must be appropriately trained in MPP and specifically Child Safety. They must understand the policies and procedures outlined in the Handbook and this Tool Kit.

## PROFORMA

The following proforma is provided to assist with enacting this Chapter of the Tool Kit

### PROOF OF IDENTITY CHECK LIST

Applicant's name: \_\_\_\_\_

Maccabi Club or event: \_\_\_\_\_

One form of photographic ID and at least two (2), but preferably three (3) or four (4) of the following identification items were cited by:

\_\_\_\_\_ <Maccabi Official's name>

\_\_\_\_\_ <Maccabi Official's title>

Driver's Licence

Passport

Medicare Card

Utility Bill

Credit Card

WWC Card

Other: \_\_\_\_\_

\_\_\_\_\_ <signature of Maccabi Official>

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ <Date>

## SAMPLE INTERVIEW QUESTIONS

The below is a list of sample interview questions to ask to ascertain a person's suitability for employment or engagement with Maccabi, and more specifically with the children and young people of Maccabi. It is important to have a person trained to identify 'red flags' in a person's response included in the interview.

- Have you ever had/If you had a reasonable concern about the welfare and safety of a child, what would/did you do?
- Have you ever had any allegations or disciplinary action taken against you in relation to working with children and young people?
- Do you think that children and young people need special friends or mentors at times? How might you be a mentor for a young person without getting too close?
- What are your views about touching children and young people? When might it be appropriate to comfort them by putting an arm around them?
- What would you do if you thought a young person was being abused at home?
- Have you ever had a child or teenager make a sexual advance towards you? Why might this happen? What did you do, or what might you do?
- What would you do if you thought another adult's behaviour in relation to children was inappropriate or outside the boundaries of their role?
- Have you ever had to speak to your manager about inappropriate behaviours of a colleague? What was the situation? What did you do?
- What do you find most rewarding and least rewarding about working with children and young people?
- What do you find most challenging about working with children and young people?
- Are there any children or young people you particularly do or don't like to work with and why?
- Have you ever lost your temper when working with children or young people? What happened? What was the trigger? What was the outcome?
- How would you deal with a child who was having a tantrum or yelling at you and other or acting aggressively towards another player or an umpire?
- How would you handle a child who appears sad and refuses to participate in activities?
- How do you think your peers, supervisors and referees would describe your previous work with children and young people?

## VERIFYING RECRUITMENT INFORMATION WITH REFEREES

### VERIFICATION OF INFORMATION IN RESUME AND INFORMATION PROVIDED AT INTERVIEW POINT:

- What was the applicant's position title in your organisation?
- Dates they were employed in the organisation?
- Main duties and responsibilities?
- Assessment of their performance in that role?
- Weaknesses and strengths you observed?
- Willingness to consult with manager or someone above them in the hierarchy and seek assistance in challenging situations?
- Was the applicant a team player?
- Why did the applicant leave your organisation?
- Would you be willing to re-employ the applicant in your organisation or another organisation? Why?/Why not?

### SAMPLE INTERVIEW QUESTIONS RELATING TO APPLICANT SUITABILITY TO WORK WITH CHILDREN AND YOUNG PEOPLE:

Should the answers to any of the questions you ask from the list below make your wonder, delve deeper into the matter, do not gloss over it or move on to the next question:

- What experience does the applicant have in working with children and young people?
- E.g. length of time they worked with children, age range of children, skills and abilities of children?
- Do you have any concerns about the applicant working with children? If so, what are they are why do you have them? Are you comfortable in knowing that at times the applicant may be working alone (that is, unsupervised) with children?
- How would you describe the applicant's strengths and weaknesses in relation to working with children and young people?
- In your opinion are there any challenges the applicant would face in working with or engaging with children?
- Are there any age groups he/she may not be suited to work with? If yes, why?
- Does the applicant use appropriate language when communicating with children? Can you provide an example?
- Have you observed the applicant disciplining a child for misbehavior? If yes, please describe the scenario and the appropriateness of the discipline in this context.
- Do you know of any instances when the applicant has demonstrated any inappropriate physical contact with children?

- Can you tell me about a situation when the applicant had to handle a child who was angry and lashing out physically?  
Was distressed and required comforting?  
Was uncooperative and refused to participate?
- How did the applicant relate to the children/young people parent's in the context of their work?
- Does the applicant become angry easily?
- How does the applicant deal with pressure?
- How does the applicant deal with a child/young person/staff member or parent who is demanding? Can you give an example?
- Do you know of any instances where the applicant acted outside the boundaries of their defined role?

Have there been any findings against the applicant in relation to allegations of inappropriate behaviour towards children or young people?

**REFERENCE CHECK QUESTIONS THAT SEEK INFORMATION ABOUT THE NATURE OF THE RELATIONSHIP BETWEEN THE APPLICANT AND THE REFEREE AND VERIFY FACTS ABOUT THE APPLICANT'S PREVIOUS ROLE:**

- How long have you known the applicant?
- What was your relationship to the applicant during the time you worked together?
- Is your relationship of a personal or professional nature?
- What was the nature of the work that the applicant undertook in your organisational context?

# RECRUITMENT CHECKLIST

(a copy of this record must be maintained confidentially by the Maccabi organisation that undertook the recruitment whether the applicant was engaged or not)

Maccabi Official's Name: \_\_\_\_\_

Maccabi Official's Title: \_\_\_\_\_

Applicant's name: \_\_\_\_\_

Applicant Position: \_\_\_\_\_

## RECRUITMENT CHECKLIST:

- Sighted and copied Proof of Identity documents
- Sighted and copied proof of qualifications – verified with institution where necessary
- Sighted and copied Working with Children Check
- National Police Check undertaken – if applicable – date completed \_\_\_\_\_
- Interview #1 conducted. People in attendance: \_\_\_\_\_
- Interview #2 conducted. People in attendance: \_\_\_\_\_
- Reference Check #1 with \_\_\_\_\_
- Reference Check #2 with \_\_\_\_\_
- Reference Check #3 with \_\_\_\_\_
- Reference Check #4 with \_\_\_\_\_

### OFFICE USE ONLY:

Applicant appointed: Yes / No

Reason for Non Appointment: \_\_\_\_\_

Applicant Informed of Decision: \_\_\_\_\_ <date>