



# Member Protection Policy

VERSION 7 Jul 2022

1. [Introduction](#)
2. [Purpose of Our Policy](#)
3. [Who Our Policy Applies To](#)
4. [Extent of Our Policy](#)
5. [Club Responsibilities](#)
6. [Individual Responsibilities](#)
7. [Protection of Children](#)
  - 7.1 [Child Protection](#)
    - 7.1.1: [Identifying and Analysing Risks of Harm](#)
    - 7.1.2: [Choosing Suitable Employees and Volunteers](#)
    - 7.1.3: [Support, Train, Supervise and Enhance Performance](#)
    - 7.1.4: [Empower and Promote the Participation of Children in Decision-Making and Service Development](#)
    - 7.1.5: [Report and Respond Appropriately to Suspected Abuse and Neglect](#)
  - 7.2 [Supervision](#)
  - 7.3 [Transportation](#)
  - 7.4 [Taking Images of Children](#)
8. [Discrimination, Harassment and Bullying](#)
  - 8.1 [Discrimination](#)
  - 8.2 [Harassment](#)
  - 8.3 [Bullying](#)
9. [Inclusive Practices](#)
  - 9.1 [People with a disability](#)
  - 9.2 [People from diverse cultures](#)
  - 9.3 [Sexual & Gender Identity](#)
  - 9.4 [Pregnancy](#)
10. [Responding to Complaints](#)
  - 10.1 [Complaints](#)
  - 10.2 [Complaint Handling Process](#)
  - 10.3 [Disciplinary Sanctions](#)
  - 10.4 [Appeals](#)

[Attachment 1: CODE OF CONDUCT](#)

**MOUNTAINS FENCING CLUB**

INC 9893405 ABN 89423304469

[www.mfc.org.au](http://www.mfc.org.au)

Attachment 2: REPORTING REQUIREMENTS AND DOCUMENTS

## 1. Introduction

This policy was adapted from the Play By the Rules template <https://www.playbytherules.net.au/resources/templates/member-protection-policy> and will be regularly reviewed and updated when necessary.

## 2. Purpose of Our Policy

The main objective of the Mountains Fencing Club Inc. ("MFC") ("our", "us" or "we") Member Protection Policy ("policy") is to maintain responsible behaviour and the making of informed decisions by members and other participants in this club. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from discrimination, harassment and abuse. Our policy informs everyone involved in our club of their legal and ethical rights and responsibilities and the standards of behaviour that are expected of them. It also covers the care and protection of children participating in our club's activities.

## 3. Who Our Policy Applies To

This policy applies to everyone involved in the activities of our club whether they are in a paid or unpaid/voluntary capacity and including:

- club committee members, administrators and other club officials;
- coaches and assistant coaches and other personnel participating in events and activities, including camps and training sessions;
- referees, umpires and other officials;
- athletes;
- members, including any life members;
- parents/guardians;
- spectators; and
- volunteers

## 4. Extent of Our Policy

Our policy covers all matters directly and indirectly related to MFC and its activities. In particular, the policy governs unfair selection decisions and actions, breaches of our Code of Conduct and behaviour that occurs at training sessions, in the club rooms, at social events organised or sanctioned by the club (or our sport), and on away and overnight trips. It also covers private behaviour where that behaviour brings our club or sport into disrepute or there is suspicion of harm towards a child or young person.

## 5. Club Responsibilities

We will:

- adopt, implement and comply with this policy;
- ensure that this policy is enforceable;
- publish, distribute and promote this policy and the consequences of any breaches of this policy;
- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- review this policy every 12–18 months; and
- seek advice from, and refer serious issues to, the relevant authorities.

Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse)..

## 6. Individual Responsibilities

Everyone associated with our club must:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of this policy, including the standards of behaviour outlined in this policy;
- consent to the screening requirements set out in this policy, and any state or territory Working with Children checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18, or where otherwise required by law;
- abide by the Club's Code of Conduct;
- always place the safety and welfare of children above other considerations;
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment, bullying or other inappropriate behaviour; and
- comply with any decisions and/or disciplinary measures imposed under this policy.

## 7. Protection of Children

### 7.1 Child Protection

MFC is committed to the safety and wellbeing of children and young people who participate in our club's activities or use our services. We support the rights of the child and will act at all times to ensure that a child safe environment is maintained. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure and safe environment for all participants.

MFC acknowledges the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

#### *7.1.1: Identifying and Analysing Risks of Harm*

MFC will regularly review our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the action of an employee, volunteer or another person.

#### *7.1.2: Choosing Suitable Employees and Volunteers*

MFC will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. The Club requires all staff and volunteers to have a current WWCC and to complete the PBTR Child Protection Training course. The Club will verify all WWCCs.

#### **New South Wales**

Contact the Office of the Children's Guardian

Website: [www.kidsguardian.nsw.gov.au/check](http://www.kidsguardian.nsw.gov.au/check)

Phone: 02 9286 7276

#### **Travelling to other states or territories**

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory. In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state. The laws providing interstate exemptions are not consistent across Australia. If an MFC employee or volunteer travelling interstate to do work that would normally require a working for children check, MFC will check the relevant requirements of that state or territory.

#### *7.1.3: Support, Train, Supervise and Enhance Performance*

MFC will ensure that all our employees and volunteers who work with children have ongoing supervision; support and training. Our goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our club.

#### *7.1.4: Empower and Promote the Participation of Children in Decision-Making and Service Development*

MFC will promote the involvement and participation of children and young people in developing and maintaining a child-safe environment in our club.

#### *7.1.5: Report and Respond Appropriately to Suspected Abuse and Neglect*

MFC will ensure that staff and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable ground that a child has been, or is being, abused or neglected (See Attachment 4).

In addition to any legal obligations, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child or is in breach of this policy they may make an internal complaint. Please refer to our complaints procedure in section 10 of this policy.

Any person who believes a child is in immediate danger or in a life threatening situation, should contact the police immediately.

### **7.2 Supervision**

Children under the age of 18 must be supervised at all times by a responsible adult. We endeavour to provide an appropriate level of supervision at all times. If a member finds a child under the age of 18 is unsupervised, they should assume responsibility for the child's safety until the child's parent/guardian or supervisor is located.

For reasons of courtesy and safety, parents/guardians must collect their children on time. If it appears a member will be left alone with just one child at the end of any club activity, they will ask another member to stay until the child is collected.

### **7.3 Transportation**

Parents/guardians are responsible for organising the transportation of their children to and from club activities (e.g. training and games). Where we make arrangements for the transportation of children (e.g. for away matches or overnight trips), we will conduct a risk assessment that includes ensuring vehicles are adequately insured, the driver has a current and appropriate licence for the vehicle being used and the appropriate safety measures are in place (e.g. fitted working seatbelts).

## 7.4 Taking Images of Children

We require that members, wherever practical, obtain permission from a child's parent/guardian before taking an image of a child that is not their own.

The Club may take photographs of members participating in events and/or activities, for use in promoting the Club. Wherever practical, the Club will obtain permission for this at the time. If participants do not consent for themselves and/or their child/ward to be photographed they should advise the photographer/s at the time and assist by staying out of the shots wherever practical. Should a participant refuse consent for any and all photography the Club will make its best efforts to ensure that no photographs of them and/or their child/ward are used by the Club.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our club.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our club's activities and we will ensure that they are suitably clothed in a manner that promotes our club.

## 8. Discrimination, Harassment and Bullying

Our club is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination, harassment and bullying.

### 8.1 Discrimination

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by State or Federal anti-discrimination laws.

Discrimination includes both direct and indirect discrimination:

- **Direct discrimination** occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect discrimination** occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purpose of determining discrimination, the offender's awareness and motive are irrelevant.

### 8.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment involves unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and

can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

Every person is covered by the anti-discrimination laws that apply in their State as well as the Federal anti-discrimination laws.

The following is a list of all the personal characteristics that apply throughout Australia:

- gender;
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- national extraction or social origin;
- marital status, relationship status, identity of spouse or domestic partner;
- pregnancy, potential pregnancy, breastfeeding;
- family or carer responsibilities, status as a parent or carer;
- age;
- religion, religious beliefs or activities;
- political beliefs or activities;
- lawful sexual activity;
- sexual orientation and gender identity;
- profession, trade, occupation or calling;
- irrelevant criminal record, spent convictions;
- irrelevant medical record;
- member of association or organisation of employees or employers, industrial activity, trade union activity;
- physical features;
- disability, mental or physical impairment;
- defence service; and
- personal association with someone who has, or is assumed to have, any of these personal characteristics.

Legislation also prohibits:

- racial, religious, homosexual, transgender and HIV/AIDS vilification; and
- victimisation resulting from a complaint.

### 8.3 Bullying

MFC is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable at our club.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or group.

Whilst generally characterised by repeated behaviours, one off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;

- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. MFC will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to Item 10 of this policy.)

## 9. Inclusive Practices

Our club is welcoming and we will seek to include members from all areas of our community. The following are examples of some of our inclusive practices.

### 9.1 People with a disability

MFC will not discriminate against any person because they have a disability. Where it is necessary, we will make reasonable adjustments (e.g. modifications to equipment and rules) to enable participation.

### 9.2 People from diverse cultures

We will support, respect and encourage people from diverse cultures and religions to participate in our club and where possible we will accommodate requests for flexibility (e.g. modifications to uniforms).

### 9.3 Sexual & Gender Identity

All people, regardless of their sexuality or gender identity, are welcome at our club. We strive to provide a safe environment for participation and will not tolerate any form of discrimination or harassment because of a person's sexuality or gender identity.

### 9.4 Pregnancy

MFC is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our club's activities. We will not tolerate any discrimination or harassment against pregnant women.

MFC will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with MFC.

## 10. Responding to Complaints

### 10.1 Complaints

Our club takes all complaints about on and off-field behaviour seriously. Our club will handle complaints based on the principles of procedure.



ral fairness, and ensure:

- all complaints will be taken seriously;
- the person making the complaint (complainant) will be given full details of what is being alleged against them and have the opportunity to respond to those allegations;
- irrelevant matters will not be taken into account;
- decisions will be unbiased; and
- any penalties imposed will be reasonable.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our club may need to report the behaviour to the police and/or relevant government authority.

## 10.2 Complaint Handling Process

When a complaint is received by our club, the person receiving the complaint (e.g. President, Member Protection Information Officer) will:

- listen carefully and ask questions to understand the nature and extent of the concern;
- ask what the complainant how they would like their concern to be resolved and if they need any support;
- explain the different options available to help resolve the complainant's concern;
- inform the relevant government authorities and/or police, if required by law to do so; and
- where possible and appropriate, maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, the club will assist, where appropriate and necessary, with the resolution process. This may involve:

- supporting the person complaining to talk to the person being complained about;
- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- gathering more information (e.g. from other people that may have seen the behaviour);
- seeking advice from relevant authorities;
- referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.

At any stage of the process, a person can seek advice from an anti-discrimination commission or other external agency and, if the matter is within their jurisdiction, may lodge a complaint with the anti-discrimination commission or other external agency.

## 10.3 Disciplinary Sanctions

Our club may take disciplinary action against anyone found to have breached our policy or made false and malicious allegations. Any disciplinary measure imposed under our policy must:

- be applied consistent with any contractual and employment rules and requirements;
- be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined by our constituent documents, by Laws and the rules of the game.

Possible sanctions that may be taken include:

- a direction that the individual make verbal and/or written apology;
- counselling of the individual to address behaviour;
- withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by our 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;
- a fine; or
- any other form of discipline that our club considers reasonable and appropriate.

#### 10.4 Appeals

The complainant or respondent may be entitled to lodge an appeal against a decision made in relation to a complaint (including a decision where disciplinary sanctions are imposed by our club). Appeals must be based on any right of appeal provided for in the relevant constituent documents, rules, regulations or by laws.

The grounds of an appeal should be specific, for example they may be limited to a denial of procedural fairness, on grounds of unjust or unreasonable disciplinary measure(s) being imposed, or on the grounds that the decision was not supported by the information/evidence presented and available to the decision maker/club.

## Attachment 1: CODE OF CONDUCT

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MFC is a safe and welcoming space that seeks to include members from all areas of our community. All people, regardless of their abilities, culture, gender or sexuality are welcome at the Club. The Club is committed to providing an environment in which people are treated fairly and equitably and which is free from all forms of discrimination, harassment and bullying.

This Code of Conduct has been created to support the safe and inclusive culture of the Club and everyone involved in the activities of the Club must abide by it. Any member breaching the Code may have their membership permanently terminated.

### **Members**

Club members will:

- contribute to creating a safe and friendly club environment
- place the safety and welfare of participants above all else
- respect the rights, dignity and worth of all people involved in the Club, regardless of their gender, sexuality, ability or cultural background
- not engage in any form of discrimination, harassment or bullying
- participate in Club activities with fair play and team spirit
- treat Club property, including all gear and equipment, with care and respect
- comply with all directions given by the Club coaching team on fencing matters (including safe participation) during Club activities.

### **Coaching team**

The Club coaching team has a special role not only in conducting good quality training, but in ensuring that Club culture is sustained.

In addition to their responsibilities as members, members of the Club coaching team will:

- maintain their qualifications
- if 18 years or older, maintain a current WWCC
- have a PBTR – Child Protection Certificate from the Australian Sports Commission or equivalent child protection training and undertake re-training in this every year
- undertake professional development as required by the Club
- maintain a safe and inclusive training environment
- work within their level of expertise and experience
- make reasonable adjustments to training to support participation in fencing
- provide opportunities, supervision, mentoring and ongoing support for the training and development of the Club's senior fencers who want to assist in coaching activities, as well as for other members of the Club's coaching team
- make their best efforts to ensure that members abide by the Code of Conduct
- report to the Club committee any breaches of the Code
- be role models for Club values and culture.

## Attachment 2: REPORTING REQUIREMENTS AND DOCUMENTS

### RECORD OF COMPLAINT

Name of person receiving complaint		Date:     /     /
Complainant's Name	<ul style="list-style-type: none"> <li>• Over 18</li> <li>• Under 18</li> </ul>	
Complainant's contact details	Phone: Email:	
Complainant's role/status in Club	<ul style="list-style-type: none"> <li>• Administrator (volunteer)</li> <li>• Athlete/player</li> <li>• Coach/Assistant Coach</li> <li>• Employee (paid)</li> <li>• Official</li> <li>• Parent</li> <li>• Spectator</li> <li>• Support Personnel</li> <li>• Other</li> <li>.....</li> </ul>	
Name of person complained about	<ul style="list-style-type: none"> <li>• Over 18</li> <li>• Under 18</li> </ul>	
Person complained about role/status in Club	<ul style="list-style-type: none"> <li>• Administrator (volunteer)</li> <li>• Athlete/player</li> <li>• Coach/Assistant Coach</li> <li>• Employee (paid)</li> <li>• Official</li> <li>• Parent</li> <li>• Spectator</li> <li>• Support Personnel</li> <li>• Other</li> <li>.....</li> </ul>	

Location/event of alleged issue	
Description of alleged issue	
Nature of complaint (category/basis/grounds)  Can tick more than one box	<ul style="list-style-type: none"> <li>• Harassment or      • Discrimination</li> <li>• Sexual/sexist      • Selection dispute      • Coaching methods</li> <li>• Sexuality      • Personality clash      • Verbal abuse</li> <li>• Race      • Bullying      • Physical abuse</li> <li>• Religion      • Disability      • Victimisation</li> <li>• Pregnancy      • Child Abuse      • Unfair decision</li> <li>• Other .....</li> </ul>

<p>What they want to happen to fix issue</p>	
<p>Information provided to them</p>	

Resolution and/or action taken	
Follow-up action	

## PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

Fact sheets on reporting allegations of child abuse in different states and territories are available at [www.playbytherules.net.au](http://www.playbytherules.net.au)

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

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

### **Step 1: Receive the allegation**

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

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

## **Step 2: Report the allegation**

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the Member Protection Information Officer (MPIO) of MFC so that they can manage the situation.



### Step 3: Protect the child and manage the situation

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

### Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
- a criminal investigation (conducted by the police)
- a child protection investigation (conducted by the relevant child protection agency)
- a disciplinary or misconduct inquiry/investigation (conducted by MFC).
- MFC will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in Clause 10 of our Member Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Family and Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111
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## CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing, ensure the procedures outlined in *Procedure for Handling Allegations of Child Abuse* have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)		Date Formal Complaint Received:     /     /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<ul style="list-style-type: none"> <li>• Administrator (volunteer)</li> <li>• Athlete/player</li> <li>• Coach/Assistant Coach</li> <li>• Employee (paid)</li> <li>• Official</li> <li>• Parent</li> <li>• Spectator</li> <li>• Support Personnel</li> <li>• Other</li> <li>.....</li> </ul>	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police contacted	Who: When: Advice provided:	

Government agency contacted	Who: When: Advice provided:
President and/or MPIO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place and provided to the relevant authorities (police and government) should they require them.