

# **MAITLAND BASKETBALL ASSOCIATION**

## **Child and Member Protection Policy**

### **Codes of Behaviour and Duty Statement**



**October 2019**

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## **CHILD AND MEMBER PROTECTION POLICY**

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### **1. Purpose of Our Policy**

The main objective of our Child and Member Protection Policy is to maintain responsible behaviour and the making of informed decisions by 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 abuse. Our policy informs everyone involved in our club of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in our club's activities.

### **2. Who Our Policy Applies To**

Our policy applies to everyone involved in the club including Board members, administrators, employees, coaches, officials, referees, players, parents and spectators and volunteers.

### **3. Extent of Our Policy**

Our policy covers unfair decisions (e.g. team selection) and actions, breaches of our code of behaviour and behaviour that occurs at training, 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.

### **4. Club Responsibilities**

We will:

- Implement and comply with our policy;
- Promote our policy to everyone involved in our club;
- Promote and model appropriate standards of behaviour at all times;
- Respond to breaches or complaints made under our policy promptly, fairly, and confidentially;
- Review this policy every 2 years; and
- Seek advice from and refer serious issues to BNSW if necessary.

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) and any other issues that our state or national body request to be referred to them.

### **5. Individual Responsibilities**

Everyone associated with our club must:

- Comply with the standards of behaviour outlined in our policy;
- Treat others with respect;
- Always place the safety and welfare of children above other considerations;
- Be responsible and accountable for their behaviour;
- Follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour.

## **6. Protection of Children**

### **6.1 Child Protection**

MBA is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

MBA acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. MBA aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

#### **6.1.1: Identify and Analyse Risk of Harm**

MBA will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another person.

#### **6.1.2: Develop Codes of Conduct for Adults and Children**

MBA will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation's care. The organisation will also implement a code of conduct to address appropriate behaviour between children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour.

#### **6.1.3: Choose Suitable Employees and Volunteers**

MBA will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

MBA will ensure that working with children checks/criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, MBA will ensure that the criminal history information is dealt with in accordance with relevant state requirements.

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

MBA will ensure that volunteers and employees who work with children or their records will have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

### **6.1.5: Empower and Promote the Participation of Children In Decision-Making And Service Development**

MBA will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

### **6.1.6: Report and Respond Appropriately To Suspected Abuse and Neglect**

MBA will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

MBA will make all volunteers and employees aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. MPIO will complete an assessment on Keep Them Safe reporting Guidelines and report as per the decision tree.

In addition to any legal obligation, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code' (s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment of this policy. This will explain what to do about the behavior and how MBA will deal with the problem.

## **6.2 Supervision**

Members under the age of 16 must be supervised at all times by a responsible adult. Our club will provide a level of supervision adequate and relative to the members' age, maturity, capabilities, level of experience, nature of activity and nature of venue. If a member finds a member under the age of 16 is unsupervised, they should assume responsibility for the member's safety until the parent/guardian or supervisor can be found.

Parents must turn up on time to collect their child for reasons of courtesy and safety. If it appears a member will be left alone at the end of a training session with just one child, they will ask another member to stay until the child is collected.

## **6.3 Transportation**

Parents/guardians are responsible for transporting their children to and from club activities (e.g. training and games). Where our club makes arrangements for the transportation of children (e.g. for away or over night 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 appropriate safety measures are available (e.g. fitted working seatbelts). It is also advised that no member shall be left alone or travel alone with a coach or team manager.

#### **6.4 Taking Images of Children**

Images of children can be used inappropriately or illegally. The club requires that members, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If the club uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

#### **6.5 Glory League**

Glory League has a multi faceted approach with regards to privacy. This includes waivers, privacy controls, system defaults, customer education and ongoing assistance. Individual players are only able to access their own games and players can be de identified on request. Basketball Australia and Basketball NSW have included information in their code of conducts and MPIO policy.

### **7. Anti-harassment, Discrimination and Bullying**

Our club opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying are against the law and are based on particular characteristics such as age, disability, gender, sexual orientation, pregnancy, political or religious beliefs, race, and marital status.

Our club takes all claims of harassment, discrimination, bullying and cyber bullying seriously. We encourage anyone who believes they have been harassed, discriminated against or bullied to raise the issue with the club (see Responding to Complaints).

### **8. Our club is welcoming and we will seek to include members from all areas of our community.**

#### **8.1 People with a disability**

Where possible we will include people with a disability in our teams and club. We will make reasonable adaptations (e.g. modifications to equipment and rules) to enable participation.

#### **8.2 People from diverse cultures**

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

### **8.3 Sexual & Gender Identity**

All people, regardless of their sexuality, are welcome at our club. We strive to provide a safe environment for participation and will take action over any homophobic behaviour.

## **8.4 Pregnancy**

Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport. We recommend pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation.

## **9. Responding to Complaints**

### **9.1 Complaints**

Our club takes all complaints about on and off-field behaviour seriously. Our club will handle complaints based on the principles of procedural fairness (natural justice), that is:

- All complaints will be taken seriously;
- Both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story);
- Irrelevant matters will not be taken into account;
- Decisions will be unbiased and fair; and
- Any penalties imposed will be fair and reasonable.

More serious complaints may be escalated to BNSW

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

### **9.2 Complaint Handling Process**

When our club receives a complaint, the person receiving the complaint (e.g. Chairperson, General Manager) will notify the member protection officer before any action is undertaken. The member protection officer is the first port of call for all complaints. On reviewing the complaint the member protection officer will:

- Listen carefully and ask questions to understand the nature and extent of the problem;
- Take notes; and
- Maintain confidentiality but not necessarily anonymity.

The member protection officer will then decide on the preferred option for resolution after consulting with the complainant, 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 our district, regional, state and/or national body or from an external agency (e.g. State Department of Sport or anti-discrimination agency);
- Referring the complaint to our *BNSW* and/or
- Referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.



In situations where a complaint is referred to BNSW and an investigation is conducted, the club will:

- Co-operate fully;
- Ensure the complainant and respondent are not victimised;
- Where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- Act on BNSW and/or external recommendations where applicable

At any stage of the process, a person can seek advice from or lodge a complaint with an anti-discrimination commission or other external agency.

In the case of the MIPO officer having to lodge a complaint it should be taken to the board to review. The board as a whole will act as the MIPO officer and follow the complaint handling process outlined in this policy.

### **9.3 Disciplinary Measures**

Our club will 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;
- Be determined by our Constitution, By Laws and the rules of the game.

Possible measures that may be taken include:

- Verbal and/or written apology;
- Counselling to address behaviour;
- Withdrawal of any awards, placing's, 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.

### **9.4 Appeals**

The complainant or respondent can lodge one appeal against decisions made by, or disciplinary measures imposed by MBA to BNSW. Appeals must be based on either a denial of natural justice, because 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.

## **SCREENING REQUIREMENTS**

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This attachment sets out the screening process for people in our club who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years.

MBA will:

Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.

Where possible, check a person's referees (verbal or written) about his/her suitability for the role.

Ask the people identified in step 1 to supply a WWC number from The Office Of The Children's Guardian.

Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person has an invalid WWCC

Decide whether to offer the person the position taking into account the result of the WWC check and any other information the club has available to it.

Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.

Return information collected during screening to the relevant person if that person is not appointed to the position, or otherwise be destroyed within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to them. For appointed persons, information will be kept on file in a secure location.

## **WORKING WITH CHILDREN CHECK REQUIREMENTS**

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Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- Criminal history checks
- Signed declarations
- Referee checks, and
- Other relevant background checks to assess a person's suitability to work with children and young people.

You will be required to fill out an application online.

MBA have Member Protection Information Officers and they will endeavor to assist you to fill your application if required.

You will then be required to visit Services NSW with your working with children check application number to prove your identity and your clearance should be complete no longer than four weeks after. You then must supply you a copy of your clearance with your WWC number to MBA.

## **CODES OF CONDUCT / BEHAVIOUR**

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Codes of behaviour, provide a guide and basis of expectations for MBA. They encourage commitment to ethical and professional behaviour and outline principles in which MBA is based.

### **Players**

- Play by the rules
  - Never argue with an official. If you disagree, have your captain, or coach approach the official during a break or after the competition.
  - Control your temper. Verbal abuse of officials and sledging other players, deliberately Distracting or provoking an opponent are not acceptable or permitted behaviours in any sport
  - Work equally hard for yourself and/or your team. Your team's performance will benefit, so will you.
  - Be a good sport. Applaud all good plays whether they are made by your team or the opposition.
  - Treat all participants in Basketball as you like to be treated. Do not bully or take unfair advantage of another competitor.
  - Cooperate with your coach, team-mates and opponents. Without them there would be no competition.
  - Participate for your own enjoyment and benefit, not just to please parents and coaches.
  - Respect the rights, dignity and worth of all participants regardless of their gender, ability, cultural background or religion.
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### **Parents**

- Remember that children participate in sport for their enjoyment, not yours.
  - Encourage children to participate, do not force them.
  - Focus on the child's efforts and performance rather than winning or losing.
  - Encourage children always to play according to the rule and to settle disagreements without resorting to hostility or violence.
  - Never ridicule or yell at a child for making a mistake or losing a competition.
  - Remember that children learn best by example. Appreciate good performances and skillful plays by all participants.
  - Support all efforts to remove verbal and physical abuse from your Basketball activities.
  - Respect officials' decision and teach children to do likewise.
  - Show appreciation for volunteer coaches, officials and administrators. Without them, your child could not participate.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
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## **Coaches**

- Remember that young people participate for pleasure and winning is only part of the fun.
  - Never ridicule or yell at a young player for making a mistake or not coming first.
  - Be reasonable in your demands on players' time, energy and enthusiasm.
  - Operate within the rules and spirit of your sport and teach your players to do the same.
  - Ensure that the time players spend with you is a positive experience. All young people are deserving of equal attention and opportunities.
  - Avoid overplaying the talented players; the just-average need and deserve equal time.
  - Ensure that equipment and facilities meet safety standards and are appropriate to the age and ability of all players.
  - Display control, respect and professionalism to all involved with the sport. This includes opponents, coaches, officials, administrators, the media, parents and spectators. Encourage players to do the same.
  - Show concern and caution toward sick and injured players. Follow the advice of a physician when determining whether an injured player is ready to recommence training and competition.
  - Obtain appropriate qualifications and keep up to date with the latest coaching practices and the principles of growth and development of young people.
  - Any physical contact with a young person should be appropriate to the situation and necessary for the player's skill development. Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
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## **Officials**

- Modify rules and regulations to match the skill levels and needs of young people.
  - Compliment and encourage all participants.
  - Be consistent, objective and courteous when making decisions.
  - Condemn unsporting behavior and promote respect for all opponents.
  - Emphasize the spirit of the game rather than the errors.
  - Encourage and promote rule changes that will make participation more enjoyable.
  - Be a good sport yourself. Actions speak louder than words.
  - Keep up to date with the latest trends in officiating and the principles of growth and development of young people.
  - Remember, you set an example. Your behavior and comments should be positive and supportive.
  - Place the safety and welfare of the participants above all else. Give all young people a 'fair go' regardless of their gender, ability, cultural background or religion.
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## **Administrators**

- Involve young people in planning, leadership, evaluation and decision making related to the activity.
  - Give all young people equal opportunities to participate.
  - Create pathways for young people to participate in sport not just as a player but as a coach, referee, administrator etc.
  - Ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of young players.
  - Provide quality supervision and instruction for junior players.
  - Remember that young people participate for their enjoyment and benefit. Do not overemphasize awards.
  - Help coaches and officials highlight appropriate behavior and skill development, and help improve the standards of coaching and officiating.
  - Ensure that everyone involved in junior sport emphasizes fair play and not winning at all costs.
  - Give a code of behavior sheet to spectators, officials, parents, coaches, and players and encourage them to follow it.
  - Remember, you set an example. Your behavior and comments should be positive and supportive.
  - Support implementation of the National Junior Sport Policy.
  - Make it clear that abusing young people in any way is unacceptable and will result in disciplinary action.
- Respect the rights, dignity and worth of every young person regardless of their gender, ability, cultural background or religion.
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## **DUTY STATEMENTS**

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### **Role of the board**

A board is made up of directors and committees of management.

Main roles and tasks: - Confidentiality

- Set objectives, define policy and develop strategic direction
- Incorporate good governance and ethical standards into daily activities
- Specify the delegation of the chair, executive officer (whether paid or volunteer) and board
- Ensure the executive officer provides satisfactory leadership, planning, organisation, control and succession
- Monitor the performance of management and volunteer team
- Monitor the performance of the organisation against the agreed goals
- Ensure present plans and actions provide for the organisation's continuity
- Manage communication with members and other stakeholders including government, sponsors etc

### **Manage risk**

- Clearly identify board and management responsibilities
- Ensure compliance with policies, laws and regulations
- Emphasis and concentrate on long-term goals
- Undertake a regular review of the organization's finances.

### **Role and function of the chair**

The main role is leadership, ensuring effectiveness in all aspects of the governance role. The chair manages meetings and ensures that the board is balanced and board discussion is open and includes all directors. It is also the chair's responsibility to ensure that relevant issues are included in the agenda and that all directors receive timely information for meetings.

### **Duty to act in good faith and with care and diligence – Legal Obligations**

Board members must exercise their powers and discharge their duties with the care and diligence of a "reasonable person" in their position.

This means you are expected to do what you'd expect anyone else to do in your place - pay attention, put in the work, read the papers carefully, ask about anything you don't understand, and ask again about anything that seems out of place.

The duty to act in good faith comes from Section 181 of the Corporations Act, which reads:

**A director or other officer of an organization must exercise their power and discharge their duties (a) in good faith in the best interests of the corporation; and (b) for a proper purpose.**

This duty imposes a fixed standard regardless of the capabilities and state of mind of any individual board member. It's therefore entirely possible that even though a member honestly believes they are acting in the best interests of their board, the law may take the opposite view.

In general terms you will meet the duty of care and diligence if you:

- Make a decision to take, or not to take, action in good faith and for a proper purpose; and,
- Do not have any material personal interest in the matter; and,
- Inform yourself about the matter to the extent you reasonably believe is appropriate; and,
- Reasonably believe that your judgment is in the organization's best interests.

The board member's belief is taken to be rational unless no reasonable board member could have held it. But to rely on this rule, the board member must actually make a judgement, and not just do nothing.

In addition, you're expected to:

- Attend meetings regularly (if not always - some boards will have minimum requirements);
- Act as an entrepreneur - look for opportunities that can advance your board's cause;
- Make certain that your board undertakes good financial reporting practices;
- Ask questions and seek more information when you believe it is required;
- Define appropriate board policies and supervise their implementation;
- Understand your board's core work;
- Keep abreast of governance issues.

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### **The responsibilities of our MBA Sub committee's**

The committee's have a responsibility to manage e.g Representative Program, Referee Program, Coaches Program on behalf of the members, the Board and the General Manager.

The committee's should maintain – Confidentiality

- Ensure that the Policy and Procedures are followed by all members, whilst reporting issues that they become aware of to the member protection information officer
- Conduct long-term planning of activities so that the aims and objectives of the MBA are fulfilled
- Develop policy and procedures
- Manage external relations and advocacy issues
- Obtain resources and ensure that all financial and legal matters are properly managed
- Carry out the recommendations of members
- Regularly communicate with the Board and General Manager, and provide information to members about the running of the Individual Programs within MBA
- Evaluate the performance of officials, employees, subcommittees and, importantly, itself
- Provide detailed written records and job descriptions to a newly elected committee to facilitate transition into their roles
- Ensure that all members of the committee's act as leadership role models.



### **Other relevant laws**

In addition to the duties outlined above, there are a range of generally applied laws that board members should keep in mind as they carry out their role. Board members are, after all, responsible for ensuring that their board is entirely legally compliant.

The following list is by no means exhaustive, but it's a good starting point to indicate some of the areas of law board members have to satisfactorily understand.

- **Occupational Health and Safety** (designed to ensure that workers are safe and secure in their place of work)
  - **Environmental Law** (a vast branch of law that is generally concerned with pollution control, environmental and occupational health, ecologically sustainable development and resource management)
  - **Negligence** (governing cases where the duty of care is breached, causing a foreseeable kind of material damage to another)
  - **Trade Practices Act** (a powerful and important Act, which includes a section prohibiting misleading and deceptive conduct)
  - **Anti-Discrimination** (all organisations and individuals are obliged to meet this legislation, which has a range of provisions that may differ from state to state)
  - **Contracts Law** (could apply to a property lease, a computer rental agreement, an agreement to supply services, etc.)
  - **Privacy Laws** (designed to govern the way personal information about individuals is collected, stored, used and disclosed)
  - **Food Safety Laws** (including requirements for the handling, storage, transport and display of foods)
  - **Defamation** (designed to protect the reputation of individuals and organisations by allowing the right to sue for damages)
  - **Fundraising** (laws vary from state to state but most states now require formal approval and licensing prior to fundraising activities being initiated)
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<p>Description of alleged issue</p>	
<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p> <input type="checkbox"/> Harassment or      <input type="checkbox"/> Discrimination  <input type="checkbox"/> Sexual/sexist methods      <input type="checkbox"/> Selection dispute      <input type="checkbox"/> Coaching  <input type="checkbox"/> Sexuality      <input type="checkbox"/> Personality clash      <input type="checkbox"/> Verbal abuse  <input type="checkbox"/> Race abuse      <input type="checkbox"/> Bullying      <input type="checkbox"/> Physical  <input type="checkbox"/> Religion      <input type="checkbox"/> Disability      <input type="checkbox"/> Victimisation  <input type="checkbox"/> Pregnancy decision      <input type="checkbox"/> Child Abuse      <input type="checkbox"/> Unfair  <input type="checkbox"/> Other .....         </p>
<p>What they want to happen to fix issue</p>	
<p>Information provided to them</p>	

Resolution and/or action taken	
Follow-up action	