

MWDBA – Member Protection Policy - Version 1.0 – 16 March 2021

APPENDIX 3: Complaint Handling Procedure

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

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or it disclosure is necessary to effectively deal with the complaints.

The Club will provide individuals with an informal and a formal process to resolve the matter, along with information on how to access an external complaint handling body, based on the nature of the complaint and our rules and regulations. We will also provide an appeals process for those matters.

The Club will exercise its best efforts to acknowledge a complaint via either the MPIO or Complaints Officer within 3 working days of being notified of a complaint by phone, email or post/letter.

Complaints Procedure

The Club is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

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

Informal approaches

Step 1: Talk with the other person

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

Step 2: Contact a Member Protection Information Officer

We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

Step 1 (above) is not appropriate;

- You are not sure how to handle the problem by yourself;
- You want to talk confidentially with someone and find out what options are available to address your concern; or
- The concern continues after you approached the other person.

The MPIO will:

- Ask how you would like your concern to be resolved and if you need support
- Seek to provide different options for you to address your concern
- Act as a support person, if you wish
- Refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate
- Inform the relevant government authorities and/or police, if required by law to do so
- Where possible and appropriate, maintain confidentiality.

To contact the MPIO:

Call: 0423 683 230 (Jaqi Rota)
Email: feedback@seasiders.com.au

Step 3: Decide how to address your concern

After talking with the MPIO you may decide:

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

Formal approaches

Step 4: Making a formal complaint

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

- Make a formal complaint to the MPIO (you can use the Form provided below if you like, or ask to speak with the MPIO directly or via email – feedback@seasiders.com.au) and the MPIO will direct the complaint to the Complaints Officer; or
- Approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

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

- He or she is the most appropriate person to receive and handle the complaint;
- The nature and seriousness of the complaint requires a formal resolution procedure;
- To refer the complaint to mediation;
- To appoint a person to investigate the complaint;
- To refer the complaint to a tribunal hearing;
- To refer the matter to the police or other appropriate authority; and/or
- To implement any interim arrangements that will apply until the complaint process is completed.

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

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

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

- Provide the information received from you to the other person(s) involved and ask for a response;
- Decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- Determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint.

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

Any investigation we conduct will be fair to all people involved. The Complaints Officer will conduct the investigation.

1. The investigator may:
 - Interview the complainant and record the interview in writing;
 - Interview the respondent(s) to allow them to answer the complaint and record the interview in writing;
 - Obtain statements from witnesses and collect other relevant evidence;
 - Make a recommendation to the Committee as to whether the complaint is:
 - Substantiated (there is sufficient evidence to support the complaint)
 - Inconclusive (there is insufficient evidence either way);
 - Unsubstantiated (there is sufficient evidence to show that the complaint is unfounded);
 - Mischievous, vexatious or knowingly untrue.
 - Provide a report to Committee documenting the complaint, the investigation process, the evidence, and, if requested, any findings and recommendations. The Committee will make the final determination. If the complaint involves a member/s of the Committee then they will not be involved in this part of the process.
2. The Committee will provide a report to the complainant and the respondent(s) summarizing key points from the investigation and the outcome
3. The complainant and the respondent(s) will be entitled to support throughout this process from the MPIO or another support person of their choice.

If the complaint is referred to mediation, we will follow the steps outlined in the 'Mediation' section below, or as agreed by you, the respondent and the mediator.

If the complaint is referred to the police or another external agency, we will endeavor to provide all reasonable assistance required by the police or the agency.

Step 6: Reconsidering a complaint or appealing a decision

If you or the respondent(s) are not satisfied with the outcome of the complaint, you can request a review of the outcome by contacting the MPIO. The MPIO will consider allocating the matter to someone different to investigate.

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

Step 7: Documenting the resolution

The President or Secretary will record the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place.

Approaching external organisations

If you feel that you have been harassed or discriminated against, you can seek advice from Anti-Discrimination NSW [here](#) for further guidance, and to lodge a complaint if you wish.

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

If you do lodge a complaint with Anti-Discrimination NSW, an appropriate person from our Club (e.g. an MPIO) will be available to support you during the process. You may also wish to have a legal representation, particularly if the complaint goes to a formal hearing.

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

Mediation

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

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

Our approach to mediation follows the steps set out below:

1. The MPIO may appoint an appropriate mediator (either external or internal to the Club) to help resolve the complaint. This will be done in consultation with the complainant, the Club, and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with the Club acting as mediator.
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. The complainant and the respondent(s) will sign this agreement. We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - Write to President to request that he or she reconsider the complaint; and
 - Approach any relevant external agency, such as Anti-Discrimination NSW to resolve the matter.

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

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

Reporting Requirements – forms/documents

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

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place, accessible only to the Committee (excluding anyone from the Committee implicated in the complaint).

Making a Complaint Form (for person making the complaint) - confidential

Form to be completed (where appropriate) by person making the complaint

Your name:		Date: / /
Are you:	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Contact details	Phone: Email: How would you like to be contacted about the complaint?	
Your role in the Club		
Name of person/s you are complaining about	Are they: <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
The role of the person/s you are complaining about		
Location/date/time/event of alleged issue		
Description of alleged issue (include as much information as you can, including name of witnesses, other people involved)		

Nature of complaint (can tick more than one box)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other
What do you think would resolve your complaint?	
List any action you have already taken to resolve the complaint	
Detail any other information you would like to provide	

Submit form to one or more of the following:

- Member Protection Information Officer:
feedback@seasiders.com.au
- President: president@manlybaseball.com.au

Receiving a Complaint Form - confidential

Form to be completed by person receiving the complaint

Name/role of person receiving complaint		Date: / /
Complainant's Name	Are they: <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
How complaint received (eg email, phone, in person)		
Complainant's contact details	Phone: Email: How would they like to be contacted?	
Complainant's role/status in Club		
Name of person/s complained about	Are they: <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Person/s complained about role in the Club		
Location/date/time/event of alleged issue		
Description of alleged issue (include as much information as you can, including name of witnesses, other people involved etc)		

<p>Nature of complaint (an tick more than one box)</p>	<p> <input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other </p>
<p>What do they think would resolve the issue?</p>	
<p>List any action the complainant has already taken to try and resolve the complaint</p>	
<p>Information provided to them</p>	
<p>Resolution and/or action taken</p>	
<p>Follow-up action</p>	