



Policy 08/2017

# Complaint Handling Policy & Procedure

Update Approved by the Board: 23 August 2017

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## 1 Objective

Softball WA aims to provide a simple, confidential and trustworthy procedure for resolving Complaints based on the principles of procedural fairness. Any person (a Complainant) may report a Complaint about a person, people or organisation bound by this Policy (respondent) if they feel they have been discriminated against, harassed, bullied or discriminated against or there has been a breach of this Policy.

Softball WA aims to resolve Complaints quickly and fairly.

Softball WA aims to ensure that the Complaints procedure has integrity, follows the principles of Natural Justice, and is free of unfair repercussions or victimisation against the person making the Complaint.

Softball WA will take all reasonable steps to make sure that people involved in a Complaint are not victimised.

## 2 Scope of Policy

This Policy applies to all Members, employees, volunteers and officials of Softball WA.

It also applies to any person or organisation who wishes to lodge a Complaint regarding any Member, employee, volunteer or official of Softball WA.

## 3 Terms Used

- 1) **Affiliated Body** has the same meaning as defined in the Constitution of Softball WA
- 2) **Board** means the Board of Softball WA as defined in the Constitution of Softball WA
- 3) **CEO** means the Chief Executive Officer of Softball WA
- 4) **Chair of the Board** means the Chair of the Board of Softball WA as defined in the Constitution of Softball WA
- 5) **Complainant** means the person making a Complaint.
- 6) **Complaint** means an allegation made in accordance with this Policy.
- 7) **Disciplinary Process** means the process to investigate and rule on matters of discipline of members as set out by the Constitution of Softball WA.
- 8) **Mediation** is a confidential process that allows those involved in a Complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after formal investigation of a Complaint.
- 9) **Mediator** means an impartial person appointed to help those people involved in a Complaint to talk through the issues and resolve the matter on mutually agreeable terms. Professional or formally trained mediators may be used in the mediation process.
- 10) **Member** has the meaning as defined in the Constitution of Softball WA, and for this Policy includes all persons or bodies recorded in the Registration Database maintained by Softball WA.
- 11) **Member Protection Information Officer** means a person trained to be the first point of contact



for a person reporting a Complaint under, or a breach of, this Policy. He or she provides impartial and confidential support to the person making the Complaint.

12) **Natural justice** (or procedural fairness) requires that:

- a) both the Complainant and the Respondent must know the full details of what is being said against them and have an opportunity to respond
- b) all relevant submissions must be considered
- c) no person may judge their own case
- d) the decision-maker(s) must be unbiased, fair and just
- e) the penalties imposed must be fair.

13) **Policy** means this Complaints Handling Policy.

14) **Respondent** means the person or body who is the subject of the Complaint.

#### **4 Member Protection Information Officer (MPIO)**

- 1) Softball WA will appoint one or more MPIO's;
- 2) It is recommended that all Affiliated Bodies, especially associations and larger clubs, appoint MPIO's;
- 3) The MPIO will receive necessary and up to date training to fulfil this role;
- 4) The MPIO will follow best practice MPIO guidelines as may be published by Softball WA, Softball Australia, or any other relevant governing body, sports commission, or government authority that has governance or jurisdiction oversight within the State of WA or over the sport of Softball.
- 5) The contact details of the MPIO will be published by Softball WA or made available by contacting the Softball WA office.
- 6) The provision of MPIO contact details to an enquirer does not require the identity of the enquirer to be revealed as a condition of receiving the contact details.

#### **5 Complaints Handling**

- 1) It is recommended that attempts be made to resolve complaints directly between the affected parties, where it is safe, reasonable and appropriate to do so, and where the complainant feels confident in direct approach, prior to reporting a complaint to Softball WA.
- 2) Club or association level Complaints:
  - a) A Complaint that relates to behaviour or an incident that occurred at an affiliated body level, or involves people operating at an affiliated body level, should be reported to and handled by the relevant affiliated body in the first instance;
  - b) If the Complaint is not satisfactorily resolved at the affiliated body level after reasonable efforts it may then be escalated as a Complaint to Softball WA at the request of either the Complainant, the Respondent, or the Affiliated body that was responsible for handling the



Complaint in the first instance;

- c) Any information made available to, or determined during, the Complaint handling process of the Affiliated Body will be supplied in a suitable form at the time the Complaint is referred as a Complaint to Softball WA.
- 3) Complaints to be handled under this Policy should be initially reported to the MPIO, and/or the CEO. If the Complaint is in relation to the CEO, or is of such serious nature it is deemed so warranted, it may instead be reported to the Chair of the Board.
- 4) Where the Complaint or allegation is of a category or type that is required under law to be reported to an appropriate authority, the MPIO, CEO (or nominee) or Chair of the Board must ensure such reporting occurs at the earliest opportunity.
- 5) All Complaints will be dealt with promptly, seriously, sensitively and confidentially, and in accordance with the principles of Natural Justice.
- 6) A Complaint may be handled informally or formally:
  - a) An informal complaint is:
    - i) suitable for quick problem solving rather than investigating and substantiating claims;
    - ii) suitable where seeking agreement and shared understanding of how to avoid problems in the future; and
    - iii) usually appropriate when:
      - (1) the allegations are less serious;
      - (2) there is a chance of quickly stopping the problem before it develops further;
      - (3) the people involved are likely to have an ongoing working relationship; or
      - (4) the desire is to highlight an organisational level or generic problem.
  - b) A formal complaint is:
    - i) suitable when required to initiate an investigation or to substantiate claims;
    - ii) necessary when seeking disciplinary action as the desired outcome; and
    - iii) usually appropriate when the allegations are more serious or complex.
  - c) Procedures for both informal complaints and formal complaints are set out in this Policy;
  - d) The Complainant should indicate whether a formal or informal approach is preferred when initially reporting the Complaint. In the absence of a clear statement to this effect from the Complainant, the Complaint is to be handled as an Informal Complaint in the first instance.
- 7) Complaints may be resolved by agreement between the parties involved with no need for disciplinary action.
- 8) Individuals and organisations may also seek that their Complaint be handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation. The CEO will provide any reasonable assistance to the Complainant in the reporting of the Complaint to such external agency.



- 9) Complaints that are not satisfactorily resolved in accordance with this Policy may be escalated to Softball Australia in accordance with the Member Protection Policy.
- 10) Disciplinary proceedings can be initiated in respect of anyone who, the CEO or Board reasonably considers or as otherwise determined through any Disciplinary Process arising from a Complaint:
  - a) has knowingly made an untrue Complaint;
  - b) has made a Complaint that is otherwise malicious or with the intent to cause distress to the respondent;
  - c) harasses or victimises any person with respect to a Complaint being reported; or
  - d) encourages another person to make an improper Complaint.
- 11) Where reasonable, statistics of all types of complaints will be recorded and reported to the Board, but containing no details in relation to specific Complainants or Respondents, to allow the Board to consider broader implications regarding strategy, policy or other implications to the operation of Softball WA.

## **6 Informal Complaint Procedure**

Informal Complaints:

- 1) May be made verbally or in writing to the MPIO &/or CEO;
  - a) If made in writing the Complainant should clearly stipulate that the Complaint is to be handled as an informal Complaint;
- 2) The MPIO &/or CEO will provide guidance to the Complainant regarding steps, opportunities, mechanisms or actions to assist in resolving the Complaint, including exploring opportunities for, and assisting with, Mediation;
- 3) The MPIO & CEO may make and retain notes in relation to an informal Complaint, however such notes must be destroyed once the informal Complaint is resolved to the satisfaction of the Complainant;
- 4) An informal Complaint can be changed to a formal Complaint:
  - a) After advising the MPIO &/or CEO whom is currently providing support and guidance; and
  - b) By following the Formal Complaint Procedure outlined below; and
  - c) Noting that any additional information already provided to the CEO or MPIO during an informal Complaint process is to be made available to the formal Complaint process.

## **7 Formal Complaint Procedure**

Formal Complaints:

- 1) Must be made in writing to the CEO, or if the Complaint is about the CEO, to the Chair of the Board; and
  - a) Must clearly identify who the Complaint is being made about;



- b) Must clearly identify the basis of the Complaint (eg breach of policy, allegation of inappropriate behaviour, etc)
  - c) Must clearly identify the circumstances of the Complaint, including details of place and time, all persons involved, details of witnesses, and any other information that the Complainant believes relevant to the Complaint to enable it to be investigated and resolved;
  - d) Must clearly state any impact felt, suffered, or experienced (real or perceived) by the Complainant that has led to the Complaint being reported;
  - e) Identify what, if any, specific outcome is being sought or desired by the Complainant from reporting the Complaint.
- 2) Will be initially assessed by the CEO or the Board, who may initiate whatever actions are deemed appropriate to resolve the Complaint in the first instance, including initiating Mediation.
  - 3) May be referred to the Disciplinary Process for further investigation and determination, as is deemed necessary by the CEO &/or Board;
  - 4) Once a formal complaint is finalised, a summary of the Complaint and the outcome must be reported for the awareness of the Board at the next scheduled Board meeting, to ensure appropriate governance and oversight of the workings of this Policy.