

REGULATION 11 – COMPLAINT HANDLING & GRIEVANCE PROCEDURES

11.1 PURPOSE

The purpose of this Regulation is to outline the process for dealing with complaints and/or grievances from members which are submitted or referred to Little Athletics NSW Ltd (the Organisation). A grievance means any type of problem, concern or complaint about a member's involvement with the Organisation. This Regulation is made under clauses 33 and 40 and will be interpreted in accordance with the Constitution.

11.2 DEFINITIONS

CEO	Chief Executive Officer of the Organisation
Complaint	A complaint is defined as a formal expression of dissatisfaction with some aspect of the Organisation's services, policies and procedures, whether justified or not. A complaint does not include a request for information or clarification of the Organisation's rules, policies, procedures or decisions.
Complainant	The person lodging the complaint.
Respondent	The person against whom a complaint has been lodged.
Minor Complaint	A complaint dealing with a matter that can be explained or resolved by existing rules, policies and procedures.

11.3 LODGING A COMPLAINT

- a) Complaints may be lodged with the Organisation:
 - i) in person;
 - ii) by telephone; or
 - iii) by email or letter.
- b) Complaints should detail the name, address and contact phone numbers of the complainant, together with a brief description of the problem.
- c) Only complaints where the complainant has identified him/herself will be dealt with under this Regulation. It is expected however that the validity of anonymous complaints will be assessed, and corrective action taken, if necessary.
- d) The Organisation will not disclose the identity of a complainant if that complainant requests that his/her details remain confidential. However, in some cases, it may not be possible to resolve a complaint unless the complainant agrees to the disclosure of his/her identity.

11.4 COMPLAINT RESPONSIBILITY & REFERRAL

11.4.1 Matters Relating to Little Athletics Centres/Zones/Regions

- a) Where a complaint is about an incident, person or operation at a Region, Zone or Little Athletics Centre and the matter has not been brought to the attention of the Region Committee/Zone Committee/Little Athletics Centre for attempted resolution, the matter should be referred back to the Region Coordinator/Zone Coordinator/Little Athletics Centre in the first instance.

- i) If the complaint is made by phone, the complainant is to be given details of the Region Coordinator/Zone Coordinator/Little Athletics Centre and the person with whom they should lodge the complaint.
 - ii) If the complaint is received in writing, a copy of the complaint, along with a covering letter is to be sent to the Region Coordinator, Zone Coordinator or appropriate person at the Little Athletics Centre. A letter is also to be sent to the complainant advising that the matter has been referred to the Region Coordinator/Zone Coordinator/Little Athletics Centre, giving details of the Region Coordinator, Zone Coordinator or Little Athletics Centre contact.
- b) If the complaint is unable to be satisfactorily resolved at the Region Committee/Zone Committee/Little Athletics Centre level, the matter may be referred to the Organisation to be dealt with under Clause 11.5 and/or 11.6.

11.4.2 Matters Relating to the Organisation

- a) In the case of verbal complaints received by telephone or in person, all staff are empowered to resolve minor complaints, within their sphere of knowledge, wherever possible, at first contact. If the complaint is of a more significant nature, the matter will be referred to the CEO.
- b) Written complaints (letter, email, facsimile) will be passed on to the CEO for attention.

11.5 COMPLAINT HANDLING PROCESS

11.5.1 Minor Verbal Complaints

- a) If the complaint is of a minor nature and it is believed that an employee can deal with the matter on the spot to attempt resolution, then the complaint will immediately be referred to that person, who will address the complainant's concerns in a detailed and complete manner, outlining how or why the situation or incident occurred, being clear on what solutions can be offered.
- b) If the complaint requires further investigation, the complainant will be advised of the course of action and provided with a target date for a response.
- c) Following discussion and/or investigation, if the complaint cannot be satisfactorily resolved, it must be documented by the complainant and forwarded to the Organisation as a written complaint.
- d) If it is determined that the complaint has arisen due to an error by the Organisation, the matter will be referred to the CEO to investigate an appropriate course of action.
- e) All verbal complaints must be documented by the employee, detailing the name address and contact details of the complainant, together with a brief description of the problem and the resolution/outcome. The completed form/report will be passed onto the CEO for corrective action (where required); recording in the Complaints Register; and filing.

11.5.2 Written Complaints

- a) All written complaints will be forwarded to the CEO.
- b) Written acknowledgement of the complaint will be sent to the complainant along with an explanation of the procedure to be applied. A target date for providing a response will also be advised.
- c) If the complaint is about another person, that person should also be told about the procedure and the target date for resolution.
- d) All complaints should aim to be resolved within 14 days. If the outcome of the investigation is delayed, the complainant will be contacted, and where applicable the person who is the subject of the complaint, to keep them informed as to the progress.

- e) The CEO or their appointee will review the complaint and investigate as they consider appropriate. This may include contacting/interviewing witnesses and/or other persons involved. Written records will be kept of all meetings, telephone conversations and other documentation.
- f) Once all of the relevant facts have been established, the CEO will produce a written response to the complainant or may refer the matter directly to the Board. Such response will include a full explanation of the decision and the reasons for it and where applicable and appropriate, the action the Organisation will take to resolve the complaint.
- g) Prior to writing to the complainant to report the outcome of the investigation, the CEO will discuss the complaint and the findings with at least one member of the Board.
- h) Following the response from the CEO, if the complainant remains unsatisfied; the complainant may refer the matter to the Board or directly to the Grievance Tribunal.
- i) If the complainant remains unsatisfied following any further investigation and review by the Board, the complaint will be considered a dispute and the matter will be automatically referred to the Grievance Tribunal.
- j) The CEO will ensure that all complaints are recorded in the Complaints Register, detailing the name of the complainant, the nature of the complaint and the resolution/action taken.

11.6 GRIEVANCE TRIBUNAL

11.6.1 Composition & Appointment

- a) The Grievance Tribunal will be appointed from an independent panel consisting of up to ten persons, who may be either Organisation members or external personnel.
- b) Any Grievance Tribunal convened under this Regulation will consist of Tribunal members appointed from the panel, one of who shall be appointed as chairperson.
- c) A Director shall be appointed as the Grievance Coordinator. The Grievance Coordinator will appoint Grievance Tribunal members (from the panel) to investigate formal grievances or appeals and make a decision on the dispute. Tribunal members will:
 - i) Not include members who have any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint; and
 - ii) Comprise of at least one person who has the knowledge, and preferably experience, of any relevant rules or laws relating to the complaint.
- d) The Grievance Coordinator may be present at a hearing but cannot vote on any decision.

11.6.2 Hearing Process

- a) The Grievance Coordinator will organise for a Tribunal to be convened by notifying panel members that they are required to hear a complaint. The Tribunal members will be provided with a copy of all relevant correspondence, reports or information received and sent relating to the complaint/allegations/dispute.
- b) The hearing will be scheduled as soon as practicable but at least 14 days must be allowed for the parties to prepare any documentation relating to the complaint.
- c) The complainant and any respondent will be provided with the following by the Grievance Coordinator: -
 - i) Written notification that a hearing will take place, including the date, time and venue of the hearing; and
 - ii) Copies of information and documents given to the panel.
- d) Legal representation for the complainant and respondent will not be allowed.
- e) At the hearing, the chairperson will read out the complaint and ask any respondent if they understand the complaint being made against them.

- f) The Tribunal will be allowed to: -
 - i) Consider the evidence in any form, that it deems relevant;
 - ii) Question any person giving evidence;
 - iii) Limit the number of witnesses presented if it is agreed by all parties that they support the person who requested them, but will not provide any new evidence; and
 - iv) Stop any further involvement of any person allowed to be present at the hearing if they display unreasonable or intimidating behaviour.
- g) After all evidence has been presented the Tribunal will make its decision in private.
- h) If the Tribunal finds that the complaint has been substantiated on the balance of probabilities, it may impose any of the sanctions set out in clause 11.6.3. If the Tribunal determines that the complaint has been substantiated, any respondent will then be given an opportunity to address the Tribunal and make a submission on sanctions that may be imposed.
- i) All decisions made by the panel will be based on a majority vote.
- j) The chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed.
- k) Within seven days of the hearing, the chairperson will:
 - i) Forward to the Organisation CEO a copy of the decision including any sanction imposed; and
 - ii) Forward a letter to the complainant and any respondent setting out the decision in writing and any sanctions imposed.

11.6.3 Sanctions

- a) The Tribunal may impose any one or more of the following sanctions: -
 - i) a direction that an individual makes a verbal and/or written apology;
 - ii) a written warning;
 - iii) a direction that an individual attends counselling to address the behaviour;
 - iv) withdrawal of any award, placing, records, achievements bestowed in any event or activities held or sanctioned by the Organisation;
 - v) demotion or transfer of the individual to another location, role or activity;
 - vi) suspension of membership or the right to participate or engage in a particular activity (or activities);
 - vii) a recommendation that the Organisation discontinue the individual's membership, appointment or engagement;
 - viii) in the case of a coach or official, a direction that the relevant Little Athletics Centre/Zone/Region disallow that subject from that role for a period of time or permanently; and
 - ix) any other action or direction that the Tribunal considers to be appropriate.
- b) If a finding is made that a Little Athletics Centre/Zone/Region has breached a Rule or Policy of the Organisation, one or more of the following sanctions may be imposed: -
 - i) written warning;
 - ii) a direction that any rights, privileges and benefits provided to the Little Athletics Centre/Zone/Region by the Organisation is suspended for a specified period;
 - iii) a direction that any funding granted or given to it by the Organisation ceases from a specified date or for a specified period;
 - iv) a direction that the Organisation cease to sanction events held by or under the auspices of that Little Athletics Centre/Zone/Region; and
 - v) a recommendation to the Organisation that its membership of the Organisation be suspended or terminated.

11.6.4 Decision is Final

- a) The Grievance Tribunal's decision is final. No internal avenue of appeal is available to the complainant or the respondent in relation to a decision made by the Grievance Tribunal.

11.7 REVIEW

- a) The volume and type of complaints should be reviewed by the CEO on a regular basis. This review will be used as a basis for assessing needs and attitudes towards the Organisation's services and activities.
- b) On a periodic basis (at least annually), all complaints received will be analysed to identify trends and areas of dissatisfaction. This information will be considered when reviewing policies and procedures and may be incorporated into future action plans. The volume and type of complaints will be used to establish benchmarks for improvement.