

## REGULATION 11 – COMPLIANT HANDLING & GRIEVANCE PROCEDURES

### DEFINITIONS

“Act” means the Corporations Act 2001 (Cth).

"AGM" or "Annual General Meeting" means the annual General Meeting of the Company required to be held in each calendar year under the Act.

"Appointed Director" means a Director appointed under clause 17.

"LAA" means Australian Little Athletics Inc. trading as Little Athletics Australia.

“Board” means the body consisting of the Directors.

“Club” means a Little Athletics club which is affiliated with a Little Athletics Centre.

“Company” means Little Athletics NSW Ltd.

“Competitive Member” means an Individual Member who is a child or young person (as defined in the Regulations) and who is registered with the Company and participates in Little Athletics and/or skill related activities organised and conducted by the Company or any of its Members.

“Constitution” means the Constitution of the Company.

“Financial Year” means the year commencing on 1 April and ending on 31 March the following year.

“Individual Member” means:

- (a) a competitive member, being a child or young person (as defined in the Regulations) and who is registered with the Company and participates in Little Athletics and/or skill related activities organised and conducted by the Company or any of its Members.
- (b) any parent or legal guardian of any person who is an Individual Member under part (a) of this definition.
- (c) any individual who is a volunteer, coach or other official who is associated with the Company.
- (d) any coach providing coaching services to the Company, a Little Athletics Centre or an Individual Member.
- (e) any person who is a committee member of a Little Athletics Centre; or
- (f) any person who meets the criteria for membership as an Individual Member which are set out in the Regulations from time to time.

"Little Athletics" means the sport of athletics for children and young people between the ages of 3 and 17 years which is governed by the Company and LAA.

"Little Athletics Centre" means a Little Athletics Centre recognised by the Company as a Member under clauses 5.1(a) and 6.1 and which is responsible for administering Little Athletics competitions and Clubs within its local area.

"Member" means a member for the time being of the Company under clause 5 of the Constitution.

"Objects" means the objects of the Company in clause 3 of the Constitution.

"Official Position" means a person who:

- (a) is a Delegate or Zone Coordinator.
- (b) holds the position of president, vice president, treasurer, secretary, or registrar (or equivalent position) of a Little Athletics Centre.
- (c) is employed by a Little Athletics Centre on a full or part time (including casual) basis.

"Register" means a register of Members kept and maintained in accordance with clause 7 of the Constitution.

"Regulations" mean any Regulations made by the Board under clause 40 of the Constitution.

"Zone" means an area of New South Wales having boundaries as determined by the Board from time to time and which includes such Little Athletics Centres as have been assigned to that geographic area by the Board.

"Zone Coordinator" means the person who has been elected under clause 22(a) to undertake the duties set out in the Regulations.

## **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 Company). 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.
- c) If the complaint directly involves a Region Coordinator, or Zone Coordinator then the complaint is to be referred to the Company

### 11.4.2 Matters Relating to The Company

- 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 REGISTRATION 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.