

[insert name of Club & Club logo]

MEMBER PROTECTION POLICY COMPLAINTS HANDLING PROCEDURE

VERSION 1

[insert date created or updated]

IMPORTANT NOTE:

For this policy and other policies to be binding on clubs, their members and other relevant persons, they must be:

- formally incorporated or adopted into a club's constituent documents (being the Memorandum and Articles of Association; Constitution of a company; or the rules of an incorporated association) or the rules, regulations or by-Laws made under the constituent documents;
- be agreed to as part of a membership application, agreement, form, other contract with the Club, which relevant members and other persons intended to come within the scope of this policy are required to sign.

CONTENTS	PAGE
POLICY	
1. Introduction	3
2. Purpose of Our Policy	3
3. Who Our Policy Applies To	3
4. Extent of Our Policy	3
5. Club Responsibilities	3
6. Individual Responsibilities	4
7. Complaints Handling Procedure	4
8. Disciplinary Sanctions	6
9. Appeals	6

1. Introduction

[Insert your club's core values/ethical principles/mission statement.]

2. Purpose of Our Policy

The main objective of the [Club's] ("our", "us" or "we") Member Protection Policy – Complaints Handling Procedure ("complaints policy") is to outline the process that we will follow when a member makes a complaint about any other person or organisation (including our own) that is bound by this complaints policy or any of our other internal policies.

3. Who Our Policy Applies To

This complaints policy applies to everyone involved in the activities of our club whether they are in a paid or unpaid/voluntary capacity and may include:

- club committee members, administrators and other club officials;
- coaches and assistant coaches and other personnel participating in events and activities, including camps and training sessions;
- support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- referees, umpires and other officials;
- athletes;
- members, including any life members;
- parents;
- spectators; and
- *[any other person to whom the policy may apply].*

4. Extent of Our Policy

Our complaints policy covers all matters directly and indirectly related to the [Club] and its activities. In particular, this policy governs the process and procedure for handling and resolving complaints about any person involved in the activities of our club that feels they may have been discriminated against, harassed, bullied or there has been any other breach of our policies. This may include complaints which include allegations about:

- unfair selection decisions and actions;
- breaches of our code of behaviour;
- behaviour that occurs at training sessions, in the club rooms, at social events organised or sanctioned by the club (or our sport), and on away and overnight trips;
- private behaviour where that behaviour brings our club or sport into disrepute;
- suspicion of harm towards a child or young person;
- breaches of our internal policies;
- discrimination against, harassing or bullying any person;
- victimising another person for making or supporting a complaint;
- engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- disclosing to any unauthorised person or organisation any Skate Victoria information that is of a private, confidential or privileged nature;
- making a complaint that they know to be untrue, vexatious, malicious or improper;
- failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

5. Club Responsibilities

We will treat all complaints about on and off-field behaviour seriously. We will handle complaints based on the principles of procedural fairness and ensure:

- all complaints will be taken seriously and dealt with promptly, sensitively and confidentially;
- it aims to resolve complaints in a fair, timely and effective fashion;
- the person making the complaint (complainant) will be given full details of what is being alleged against them and have the opportunity to respond to those allegations;
- irrelevant matters will not be taken into account;
- decisions will be unbiased; and
- any penalties imposed will be reasonable.

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

We will also:

- adopt, implement and comply with this policy;
- ensure that this policy is enforceable;
- publish, distribute and promote this policy and the consequences of any breaches of this policy;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies; and
- review this policy every 12-18 months.

6. Individual Responsibilities

Everyone associated with our club must:

- make themselves aware of the contents of this policy and all of our other policies;
- comply with all relevant provisions of this policy;
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment, bullying or other inappropriate behaviour; and
- comply with any decisions and/or disciplinary measures imposed under this policy.

7. Complaints Handling Procedure

Step 1: Talk with the Other Person (if safe, reasonable and appropriate)

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 with them directly.

Step 2: Discuss your complaint informally with us

When a complaint is received by our club, the person receiving the complaint (e.g. President, Member Protection Information Officer) will:

- listen carefully and ask questions to understand the nature and extent of the concern;
- ask what the complainant how they would like their concern to be resolved and if they need any support;
- explain the different options available to help resolve the complainant's concern;
- inform the relevant government authorities and/or police, if required by law to do so; and
- where possible and appropriate, maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, 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 Skate Victoria or from an external agency (e.g. State Department of Sport or anti-discrimination agency);
- referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency; and/or
- assisting the complainant to lodge a formal complaint in accordance with step 3.

Step 3: Formal Complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may make a formal written complaint to us, specifying:

- the nature of your complaint;
- the respondent(s);
- the allegations made against the respondent(s);
- particularisation of your allegations against the respondent(s); and
- the relevant policy and section of our policies that the respondent(s) allegedly breached.

You may use the precedent document set out in this policy and titled 'Formal Complaint' to complete details of your complaint. If your formal complaint fails to address any of the above items in requisite detail, we may refer the complaint back to you for further information and clarification before attending to step 4.

At any stage of the process, a person can seek advice from an anti-discrimination commission or other external agency and, if the matter is within their jurisdiction, may lodge a complaint with the anti-discrimination commission or other external agency. Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website: <http://www.playbytherules.net.au/resources/quick-reference-guide>. Serious incidents, such as assault or sexual assault, will be reported to the police.

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

- we are the most appropriate entity to receive and handle the complaint;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- 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, we will take into account:

- whether we have 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(s), regarding how the complaint should be handled;
- the relationship between you and the respondent(s) (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; and
- whether an internal or external investigation is required.

Step 4: Investigating the complaint

Once we receive your formal complaint, we will investigate your complaint confidentially. The investigation process will be undertaken by an unbiased person. Depending on the nature of the allegations, we may resolve to appoint an external investigator of our choice.

Any investigation will be conducted in accordance with principles of procedural fairness to all people involved.

In investigating a complaint, the investigator (whether internal or external) will:

- interview the complainant and record the interview in writing;
- provide full details of the complaint to the respondent(s) so that they can respond;
- interview the respondent(s) to allow them to answer the complaint and record the interview in writing;
- obtain statements from relevant witnesses and collect other relevant evidence;
- make a finding 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.
2. We will provide a report our President documenting the complaint, the investigation process, the evidence, and its findings and recommendations.
 3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person.

8. Disciplinary Sanctions

Our club, following receipt of the investigation report from the investigator, may 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; and
- be determined by our constituent documents, by Laws and the rules of the game.

Possible sanctions that may be taken include:

- a direction that the individual make verbal and/or written apology;
- counselling of the individual to address behaviour;
- withdrawal of any awards, placings, 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. Appeals

The complainant or respondent may be entitled to lodge an appeal against a decision made in relation to a complaint (including a decision where disciplinary sanctions are imposed by our club) to Skate Victoria.

Appeals must be based on any of the following rights of appeal only:

- denial of procedural fairness in the investigation process;
- unjust or unreasonable disciplinary measure(s) being imposed; or
- the decision not being supported by the information/evidence presented and available to the decision maker at the time of making the relevant findings.

A person wanting to appeal must lodge a letter setting out the basis for their appeal with the CEO of Skate Victoria within 14 days of the decision being made. If the letter of appeal is not sent to the CEO within this time, the right of appeal will lapse.

Skate Victoria will review, and investigate (if appropriate and necessary) the allegations contained in the Appeal and decide whether there are sufficient grounds for the appeal to proceed.

If the appellant has not shown sufficient grounds for an appeal, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision within a reasonable period of time. If the appellant is not satisfied with its decision, it may approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

If the appeal is accepted, Skate Victoria may:

- refer the matter back to the Club for re-investigation; or
- if appropriate, convene an Appeal Tribunal whose decision will be final and binding.

Particularisation of Allegations (if required)	
Methods (if any) of attempted informal resolution	
Relevant Policy and Section allegedly breached	
Other relevant information / documents	
Signed:	