



## COMPLAINT MANAGEMENT POLICY

### 1. Overview

SXL Gymnastics seeks to provide a safe and positive sporting environment for members, staff and the wider community.

However, we recognise that, sometimes events may occur that may result in a complaint being made to the Club. Complaints may provide opportunities for a club to further improve their operational and management processes.

This complaint management policy aims to provide individuals or groups with a course of action should they feel an action has been taken against them or others that is inappropriate, unlawful or unwelcome.

### 2. How to lodge a complaint

A complaint may be lodged informally or formally.

#### 2.1 Reporting the complaint

##### 2.1.1 Self-resolution of complaint (informal)

Where you feel comfortable doing so, you should attempt to seek a resolution to the complaint with the person/persons involved. Self-resolution is encouraged as it can resolve the complaint quickly and informally.

When discussing your complaint with the person/persons involved:

- Describe the nature of your complaint or grievance;
- Include full details of the complaint i.e. names, dates, reasons for the complaint, and
- State what outcome you would like to see the person or group take to resolve your complaint.

If you are not satisfied with the outcome after taking informal steps to resolve your complaint, a formal written complaint may be an option (as described below).

##### 2.1.2 Written complaint (formal)

If you do not feel comfortable addressing a complaint with the person/persons involved directly, or where you have attempted to resolve the complaint without success, you could report the complaint in writing to the SXL Centre Manager and/or the Member Protection Information Officer.

When reporting the complaint, please include the following information:

- A description of the nature of your complaint or complaint;
- Full details of the complaint i.e. names, dates, reasons for the complaint; and
- Statement of what outcome you would like to see the person/people/club take to resolve the complaint.

### **3. Managing the complaint resolution process**

When determining how a complaint will be resolved, SXL Gymnastics will consider factors such as:

- The circumstances of the complaint
- The seriousness of the complaint
- Preferences of the complainant
- The people involved – how many, their ages, seniority, their ability & willingness to contribute/respond
- Confidentiality
- Safety
- Which person/group has the skills, ability, knowledge, availability and credibility to resolve the complaint
- Whether the complaint should be handled by another policy or procedure
- Whether the complaint should be referred to another body (i.e. State or National level body if it involves state or national level industry considerations or operations).

### **4. Resolution options**

Once a person/group is nominated to resolve the complaint, they will determine the most appropriate process that will identify the facts and key issues relevant to the complaint that can help the Club resolve it.

The Club and/or the MPIO Officer, will consider the most appropriate methods for resolving the complaint. This could include:

- Appointing a facilitator to facilitate an outcome between the parties;
- Appointing a mediator to mediate an outcome between the parties;
- Appointing an officer to conduct an investigation to verify the facts relating to the complaint and/or
- Appointing an arbitrator to make a decision regarding the complaint.

Please note: Resolution options - Facilitation, Mediation, Investigation and/or Arbitration, are detailed at the end of this document (See 6. Resolution Options – Additional Details).

## **5. General Principles**

### **5.1 Impartiality**

All concerns will be dealt with in a fair, honest, constructive way.

### **5.2 Procedural Fairness**

Parties involved in resolving a grievance against another person/s will be afforded the principles of natural justice and procedural fairness including:

- Adequate notice of any investigation or meeting;
- Information about the allegations, the relevant facts and evidence;
- Time to consider their response;
- An opportunity for the accused to respond to allegations; and
- An opportunity for any party to have a support person present in any investigation or disciplinary meeting if requested.

### **5.3 Support person**

An individual may request that another person be present at meetings/discussions associated with resolving a complaint. This request must be made in writing in advance of the meeting and directed to the SXL Centre Manager and/or MPIO Officer. The request should include the name of the support person, their relationship to the complainant, reason for attendance, and details such as occupation, current position to ascertain their appropriateness as a support person in relation to the complaint. The request for a support person may be declined if not deemed appropriate to the specific complaint.

The support person will not be able to contribute to the meeting other than asking for clarification if they are unsure of any point raised.

Please note: A lawyer is not a permissible support person per Gymnastics Australia policy guidelines.

### **5.4 Confidentiality**

If you have a complaint, please use the processes outlined below. We encourage you to limit your discussions to those who need to know only. Allowing an issue/incident to become the subject of club/community gossip is not conducive to a healthy resolution. We also ask that you act quickly/without delay, to assist resolving a problem before it escalates.

All complaints will be taken seriously and dealt with sensitively and confidentially.

### **5.5 Victimisation**

No person/s lodging a complaint will be victimised or disadvantaged as a result of lodging a complaint. This also applies to any family members of the Club, or other persons implicated or involved in the resolution of the complaint.

### **5.6 Withdrawing a complaint**

At any stage, it is the prerogative of the Complainant to withdraw a complaint. Such withdrawal must be notified in writing by the Complainant and acknowledged in writing by SXL Gymnastics.

### **5.7 Safety**

While a complaint is being resolved, it is important that the Club's operations and activities continue as usual, unless the issue/matter involves a serious Workplace Health and Safety matter where work processes must be immediately changed due to the presence of a high-risk situation.

### **5.8 Vexatious Complaints**

SXL Gymnastics may take disciplinary action against any person/s who is found to have knowingly made an untrue, vexatious or malicious complaint against the Club.

### **5.9 Record Keeping**

All parties should keep written records on matters relating to complaints, including all steps taken to resolve the complaint.

Where disciplinary action is taken, such records will be documented as appropriate on SXL Club files.

## 6. Resolution Options – Additional details

### Facilitation:

The role of the facilitator is not one of decision maker. The facilitator's role is to encourage the parties to settle on an agreed outcome to resolve the complaint.

When facilitating a complaint, the contact officer will interview both parties to:

- Understand the nature of the complaint
- Verify the facts surrounding the complaint
- Negotiate potential solutions that all parties will support

Facilitation may involve several discussions with both parties (and witnesses if deemed required by the Facilitator). Discussion could be formal and informal, and may go back and forth until a solution is found to resolve the complaint to the satisfaction of both parties. When a matter is facilitated, the parties may or may not present at the same time when details and solutions are being discussed.

The complaint is resolved when the parties directly involved with the grievance agree to a written resolution of the complaint.

### Mediation:

Mediation is a structured facilitation process that typically involves:

- Interviews of both parties (and witnesses if deemed required by the Mediator) to ascertain the facts of the grievance and explore options for resolution.
- Parties coming together in a meeting and negotiating a settlement to the grievance.
- The settlement is recorded in writing.

The role of the mediator is not one of decision maker. The mediator's role is to encourage the parties to settle on an agreed outcome to resolve the complaint.

The complaint is resolved when the parties directly involved with the grievance agree to a written resolution of the complaint.

### Investigation:

An investigation is a formal and sometimes lengthy and expensive process. It is typically used for more serious matters where a decision on fact needs to be made which could, if proven, have disciplinary consequences.

In an investigation:

- Interviews of relevant parties (including relevant witnesses as required as part of the investigation process) will be conducted. Written or oral statements will be taken.
- Relevant records, policies and documentation are considered.
- Mitigating factors are considered.
- The investigator will assess the evidence and prepare a written report on each element of the complaint, making a finding on the facts:
  - The behaviour found to occur
  - The behaviour found not to occur
  - The facts are inconclusive

If the behaviour was found to occur, the investigator will then determine for each element of the complaint, that the behaviour was:

- Potentially unlawful
- Breached policy and/or codes
- Unreasonable
- Unprofessional

**Arbitration:**

Arbitration is a structured facilitation process that typically involves interviews of both parties (and witnesses as deemed required by the arbitration process) to ascertain the facts of the grievance and explore options for resolution.

The arbitrator's role is to consider the facts and make an independent and binding decision on the matter. An arbitrator is a skilled and independent person not connected with the complaint.

The complaint is resolved when the arbitrator hands down their decision.

If you require any further information regarding the SXL Complaint Management Policy please contact the SXL Centre Manager or the Member Protection Information Officer.

SXL Club policies are intended to operate in conjunction with the policies of our governing bodies, Gymnastics NSW and Gymnastics Australia. For further information regarding Member Protection Policies and complaints processes please refer to the Gymnastics NSW Member Protection Policies (Part A, B, C, D & E) available via links on the SXL Website (See Policies, Member Protection).

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*Please note this Complaint Management Policy has been based on and is accordance with the Gymnastics Australia/ Club 10 policy guidelines (per draft example Ref #: 011301) as provided by HR Plus, March 2017. It recognises the role of the Member Protection Information Officer and Member Protection Guidelines as per Gymnastics NSW policies (available via the links provided on the SXL website – See Policies – Member Protection).*