



## **Knox Little Athletics Centre Policy Document**

### **Knox LAC Complaints Handling Policy**

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# Knox Little Athletics Centre Complaint Handling Policy

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# Knox Little Athletics Centre Complaint Handling Policy

## 1. SCOPE

At Knox Little Athletics Centre (Knox LAC) we are committed to providing a pleasant and safe environment for all children, members and visitors. We acknowledge, however, that children, members, parents and visitors can sometimes feel aggrieved about something that is happening at Knox LAC which appears to be discriminatory, or to constitute unreasonable behaviour that in cases breaches the Knox LAC's Code of Conduct.

A member, child, visitor or parent may make a complaint about any decision, behaviour, act or omission that she or he feels is discriminatory or constitutes a breach of the Knox LAC's Code of Conduct or is unreasonable. Raising the complaint directly with the person perceived as causing the grievance may sometimes address the concerns of the aggrieved person.

However, that is not always possible. Sometimes several attempts at face-to-face resolution have been attempted or have occurred with little success. Whilst most concerns can be addressed through direct discussion by the parties, there will be instances where raising the concern with the other person on a face-to-face basis is not appropriate or possible.

Examples of complaints covered by this procedure include:

- Concerns about child disciplinary procedures
- Behaviour of a coach
- Damage or loss of personal property
- Bullying and harassment

Examples of complaints NOT covered by this procedure include:

- Child protection issues
- Occupational health and safety issues

## 2. COMPLAINTS PROCEDURE

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.

If the complainant wishes to remain anonymous, Knox LAC may have difficulty resolving the complaint. Procedural fairness (natural justice) means that Knox LAC is required to provide the person / people complained about with full details of the complaint, so they have a fair chance to respond.

### 2.1. INFORMAL APPROACHES

#### **Step 1: Talk with the other person (where this is reasonable and appropriate)**

In the first instance, the Complainant should try to sort out the problem with the Respondent if they feel they are able to do so.



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### Step 2: Contact a Club or Knox LAC Executive Committee Member

The Complainant should talk with their Club Committee Member or a Knox LAC Executive Committee Member if the complainant:

- Believes the first step is not possible/reasonable;
- Is unsure how to handle the problem;
- Wants to talk confidentially about the problem with someone and obtain more information about what can be done; or
- The problem continues after trying to approach the person or people involved.

The Club or Knox LAC Executive Committee Member will:

- Take confidential notes about the complaint;
- Try to find out the facts of the problem;
- Ask what outcome/how you want the problem resolved and if there is a need for support;
- Provide possible options to resolve the problem;
- Act as a support person if needed;
- Refer the complaint to an appropriate person (e.g. Mediator) to help resolve the problem, if necessary;
- Inform the relevant government authorities and/or police if required by law to do so;
- Maintain confidentiality.

### Step 3: Outcomes from initial contact

After talking with their Club Committee Member or a Knox LAC Executive Committee Member, the complainant may decide:

- There is no problem;
- The problem is minor, and they do not wish to take the matter forward;
- To try and work out their own resolution (with or without a support person);
- To seek a mediated resolution with the help of a third person (such as a mediator); or
- To seek a formal approach (Complaints Officer).

## 2.2. FORMAL APPROACHES

### Step 4: Making a Formal complaint

If the complaint has not resolved and informal approaches are not appropriate or possible, the complainant or their representative (in the case of young children) may:

- Make a formal complaint in writing (see Formal Complaint form) to the Knox LAC Committee
- Approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material the complaint has provided, the Knox LAC Committee will decide:

- Who the most appropriate person is to receive and handle the complaint;
- That the nature and seriousness of the complaint warrants a formal resolution procedure;
- To appoint a person to **investigate** (gather more information on) the complaint;
- To refer the complaint to mediation;
- To refer the complaint to a hearings tribunal;
- 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 set out in these Procedures is completed.



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In making the decision(s) outlined above, the Knox LAC Executive Committee will take into account:

- Whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- The complainant's wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- The relationship between the complainant and the respondent (for example an actual or perceived power imbalance);
- Whether the facts of the complaint are in dispute; and
- The urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

If the Complaints Officer is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- Put the information they've received from the Complainant to the person/people being complained about and ask them to provide their side of the story;
- Decide if they have enough information to determine whether the matter alleged did or didn't happen; and/or
- Provide recommendations on what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

### **Step 5: Investigation of the complaint**

- A person appointed under Step 3 will conduct an investigation and provide a written report to Knox LAC Executive Committee who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with arrangements agreed by the complainant, the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with the Knox LAC Constitution;
- If the complaint is referred to the police or other appropriate authority, Knox LAC will use its best endeavours to provide all reasonable assistance required by the police or other authority.

*[Any costs relating to the complaint process set out in this Policy (e.g. mediation) are to be met Knox LAC unless other arrangements are made.]*

### **Step 6: Reconsideration of initial outcome/investigation or appeal**

If, under the formal complaint process, mediation is unsuccessful, the Complainant may request that KLAC Committee reconsider the complaint in accordance with Step 3.

The complainant and the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in the Knox LAC Constitution.

### **Step 7: Documenting the resolution**

The Complaints Officer will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.



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### 2.3. EXTERNAL APPROACHES

There are a range of other options available depending on the nature of the complaint. If a person feels that they have been harassed or discriminated against, they can seek advice from the State anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, it will investigate. If it appears that unlawful harassment or discrimination has occurred, the commission will conciliate the complaint. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

You could also approach another external agency such as the police.

### 3. INVESTIGATION PROCESS

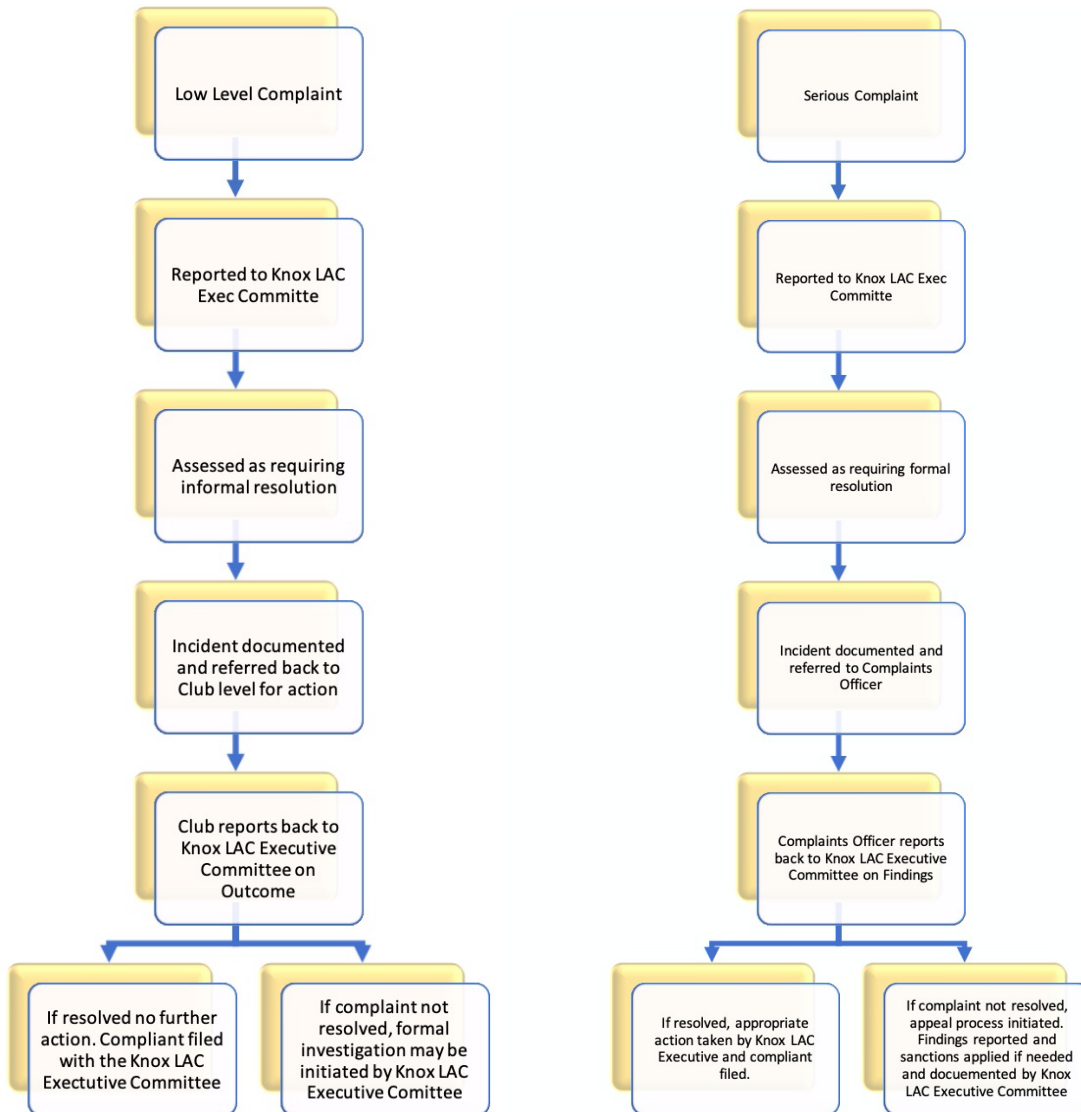
If an investigation needs to be conducted to gather more information the following steps will be followed:

- 3.1. Knox LAC Executive Committee will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
  - 3.1.1. Interview the complainant and record the interview in writing.
  - 3.1.2. Convey full details of the complaint to the respondent (s) so that they can respond.
  - 3.1.3. Interview the respondent to allow them to answer the complaint and record the interview in writing.
  - 3.1.4. Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts.
  - 3.1.5. 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); and/or
    - mischievous, vexatious or knowingly untrue.
- 3.2. Provide a report to Knox LAC Executive Committee documenting the complaint, investigation process, evidence, finding and, if requested, recommendations.
- 3.3. Knox LAC Executive Committee will notify the complainant and the respondent(s) of the investigation process and will summarise key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
- 3.4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser.
- 3.5. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in the Knox LAC Constitution.



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## 4. Complaint Flow Charts



At any time, a complaint may be referred to Victoria Police as deemed necessary or as required by legislation.



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## 5. PUBLIC INFORMATION ON THIS POLICY

The existence of this policy will be noted in the annual Knox LAC Handbook and the Knox LAC website.

This policy is owned and authorised by The Knox LAC Executive and is not to be copied wholly or in part without permission. Permission is to be sought and obtained from Knox LAC Executive by other LA Centres or organisations who wish to use all or part of this policy document as the basis for their own policy.

Any questions, concerns or issues regarding this policy can be directed to:

The Knox LAC Executive  
P.O. Box 4444  
Knox City Centre,  
Wantirna South 3152

## 6. DOCUMENT CONTROL

Issue No	Issue Date	Nature of Amendment
1	October 2019	Initial document
2	August 2020	Minor Amendments