

# COMPLAINTS HANDLING AND GRIEVANCE PROCEDURE



## Scope

This policy is an approved policy of the South Australian Little Athletics Association Inc. Affiliated members of the association are required to adhere to this policy and are encouraged to adopt this at Centre level for the benefit of all members of the association.

## Lodging a Complaint

- Complaints may be lodged with the Association:
  - In person
  - By telephone
  - By facsimile, email or letter.
- Complaints should detail the name, address and contact phone numbers of the complainant, together with a brief description of the problem.
- 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.
- The Association will not disclose the identity of a complainant if that complainant requests that his/her details remain confidential unless required as a legislative requirement. However, in some cases, it may not be possible to resolve a complaint unless the complainant agrees to the disclosure of his/her identity.

## Complaint and Responsibility Referral

- If a complaint relates to behaviour or an incident, person or operation at a Little Athletics Centre or Club, then the complaint should be reported to and handled by the relevant Centre or Club in the first instance. If the complaint is unable to be satisfactorily resolved at Centre/Club level, the matter may be referred to the Association to be dealt with
- If the behaviour or an incident that occurred at the state level or involves people operating at the state level, then the complaint should be reported to and handled by the CEO of South Australian Little Athletics Association

## Complaint Handling Process

### Minor Verbal Complaints

- 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.
- 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.
- Following discussion and/or investigation, if the complaint cannot be satisfactorily resolved, it must be documented by the complainant and forwarded to the Association as a written complaint.
- If it is determined that the complaint has arisen due to an error by the Association, the matter will be referred to the CEO to investigate an appropriate course of action.

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## Written Complaints

- All written complaints will be forwarded to the CEO.
- 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.
- If the complaint is about another person, that person should also be told about the procedure and the target date for resolution.
- 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.
- 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.
- 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 Association will take to resolve the complaint.
- 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.
- 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.
- 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.
- 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.

## Grievance Tribunal

### Composition and Appointment

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

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## Hearing Process

- The Grievance Co-ordinator 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.
- The hearing will be scheduled as soon as practicable, but must allow at least 14 days for the parties to prepare any documentation relating to the complaint.
- The complainant and any respondent will be provided with the following by the Grievance Co-ordinator:-
  - Written notification that a hearing will take place, including the date, time and venue of the hearing; and
  - Copies of information and documents given to the panel.
- Legal representation for the complainant and respondent will not be allowed.
- A support person can accompany the complainant or respondent however they will not be able to speak on behalf of the complainant or respondent.
- At the hearing, the chairperson will read out the complaint and ask any respondent if they understand the complaint being made against them.
- The Tribunal will be allowed to:-
  - Consider the evidence in any form, that it deems relevant;
  - Question any person giving evidence;
  - 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
  - Stop any further involvement of any person allowed to be present at the hearing if they display unreasonable or intimidating behaviour.
- After all evidence has been presented the Tribunal will make its decision in private.
- 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.
- All decisions made by the panel will be based on a majority vote.
- The chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed.
- Within seven days of the hearing, the chairperson will:
  - Forward to the Association CEO a copy of the decision including any sanction imposed; and
  - Forward a letter to the complainant and any respondent setting out the decision in writing and any sanctions imposed. The letter should outline the process and grounds for an appeal that may be made by the respondent (if any).

## Sanctions

- The Tribunal may impose any one or more of the following sanctions:
  - a direction that an individual makes a verbal and/or written apology;
  - a written warning;
  - a direction that an individual attends counselling to address the behaviour;
  - withdrawal of any award, placing, records, achievements bestowed in any event or activities held or sanctioned by the Association;
  - demotion or transfer of the individual to another location, role or activity;
  - suspension of membership or the right to participate or engage in a particular activity (or activities);

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- a recommendation that the Association terminate the individual's membership, appointment or engagement;
  - in the case of a coach or official, a direction that the relevant Little Athletics Centre disallows that subject from that role for a period of time or permanently; and
  - Any other action or direction that the Tribunal considers to be appropriate.
- If a finding is made that a Little Athletics Centre has breached a Rule or Policy of the Association, one or more of the following sanctions may be imposed:
    - A written warning;
    - A direction that any rights, privileges and benefits provided to the Little Athletics Centre by the Association is suspended for a specified period;
    - A direction that any funding granted or given to it by the Association ceases from a specified date or for a specified period;
    - A direction that the Association cease to sanction events held by or under the auspices of that Little Athletics Centre; and
    - A recommendation to the Association that its membership of the Association be suspended or terminated.

## **Decision is Final**

The South Australian Little Athletics Association and 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.

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## CONFIDENTIAL RECORD OF COMPLAINT

*This record and any notes must be kept in a confidential and safe place.*

Complainant's Details	Name  Address  Phone  Email	Date Complaint Received: / / By Letter Phone In Person Email Other
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official      .....	
Details of Complaint	Time    Hours    Date: Location: Describe what Occurred:         Expected outcome from this complaint Informal Formal Mediation Tribunal	
Name of person complained about		

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Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official    .....
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:
Interim action (if any) taken	
MPIO contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Mediation	Finding:
Tribunal	Finding:
Action taken	
Completed by	Name: Position: Signature:    / /
Signed by	Complainant

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## Record of meeting

*This record should be completed after all meetings or conversations relating to the management of complaints and stored in a confidential file.*

Date of meeting \_\_\_\_\_

Location of meeting \_\_\_\_\_

Attendees                      Include full names and titles of attendees  
*Example: John Smith Assoc. CEO or Club President, Ms Jones mother of Marcus*

Purpose of meeting            *Example: Discuss allegation of complaint towards Ms Jones' son Marcus by staff member/volunteer*  
*Recommend support organisations - MPIO*  
*Discuss options for resolving issues*

Actions taken to date        *Example: Mediation, Tribunals*

Contact names and contact details            Include all relevant contact details *Example: Contact number for CEO, Club President contact,*

Future actions                                      List future actions to be taken and person responsible

Signature of CEO/President    Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Signatures of other attendees Name \_\_\_\_\_ : Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

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## Mandated Reporting

### Who is required to report child abuse?

Any person who is an employee of, or volunteer in, a non-Government organisation that provides **sporting or recreational, services wholly or partly for children**, being a person who:

- is engaged in the actual delivery of those services to children; or
- holds a management position in the relevant organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children;

are mandated notifiers.

### What are reporting responsibilities?

As a mandated notifier you must make a report if you have any reasonable suspicion of neglect or abuse and you need to make that report without delay.

As a mandatory reporter you need to be aware that:

- it is your personal responsibility/obligation to report suspected child abuse and neglect – it is not the responsibility of your manager or employer.
- you do not have to prove that abuse has occurred.
- your notification needs to be accompanied by a statement of the observations, information and opinions on which your suspicions are based.
- you are immune from civil liability for reporting your suspicions in good faith.

### Are there penalties involved for failing to report?

Yes. - There may be a penalty for failing to meet the mandated notifier obligations.

### Can anyone stop me from making a report?

No - A person must not threaten or intimidate, or cause damage, loss or disadvantage to, a person to whom this obligation applies because the person has discharged, or proposes to discharge, his or her duty.

### Are there any exemptions?

No – There are no exemptions from this obligation, even for visiting sporting teams, coaches, and officials.

### What if I am wrong and child not abused?

The reporting person is immune from civil liability.



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## **Will my identity be revealed?**

No (unless a court deems it necessary).

## **Am I obliged to tell the family that I have notified**

No.

## **Can I be called to attend Court to give evidence?**

Yes - but this is an exception rather than the rule.

## **Does my obligation end once I have made a report?**

No - A person does not necessarily exhaust his or her duty of care to a child by giving a notification under this section. You may also have an obligation under your organisations Child Safe or Member Protection Policy to make an internal report to the organisation.

## **Child Abuse Notification Procedures:**

### **How do I make a report?**

If you believe a child is in immediate danger or in a life-threatening situation, contact the Police immediately by dialing 000.

To make a report of suspected child abuse or neglect, call the 24-hour Child Abuse Report Line on 13 14 78 or report on line.

The following information is to be reported:

- Name and description of child
- Address or description of his/her whereabouts
- When the child was last seen
- If known, approximate age, Centre details/School and if any siblings
- If known, whether a language or sign interpreter may be required or an Aboriginal Agency should be involved
- All available information relevant for the safety and welfare of child
- Details of events, conversations or observations that led to the report.
- Your contact name and telephone number.

### **Definitions and Indicators of Child Abuse:**

**Physical Abuse** refers to allegations of physical harm caused to a child by another person. Some signs and symptoms may include unexplained:

- Bruising
- Lacerations or welts
- Burns or scald
- Fractures, sprains or dislocations.

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**Sexual Abuse** occurs when someone in a position of power to the child uses that power to involve the child in sexual activity. Some signs and symptoms may include:

- Age inappropriate behaviour and/or persistent sexual behaviour, promiscuity
- Marked changes in behaviour or mood, tantrums, aggressiveness, withdrawal, self-destructive behaviour
- Allusions to problems at home, not wanting to return home
- Fear and loss of trust
- Physical symptoms including bruising or bleeding in the genital area.

**Emotional Abuse** refers to harm caused to the child by excessive or unreasonable demands as well as failing to provide the psychological nurturing necessary for development. Some signs and symptoms may include:

- Severe verbal abuse or threats of abuse
- Being physically or socially isolated as punishment
- Feelings of worthlessness about life and self
- Extreme attention seeking behaviour
- Behavioral disorders such as disruptiveness, bullying, aggressiveness

**Neglect** refers to the failure to provide the basic necessities of life including food, clothing, shelter, emotional security, medical care and adequate supervision of the child's growth and development. Some signs and symptoms may include:

- Poor standard of hygiene, inadequate clothing for the weather conditions.
- Malnutrition, complaints of hunger, hiding food.
- Untreated medical or dental problems
- Lack of appropriate supervision – either supervised or under supervised when engaging in certain activities
- Extreme longing for adult affection.

## Recognition of Abuse or Neglect:

When considering the likelihood that an injury, behaviour or disclosure of a child may be related to or caused by abuse or neglect, it is very important to remember that one sign in isolation may not necessarily indicate abuse or neglect.

Recognising the signs and symptoms of child abuse and neglect means forming a genuine concern or well-founded suspicion that abuse or neglect has occurred or may occur in the future.

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## Being Alert To Abuse or Neglect:

Concerns about abuse or neglect can be raised in a number of ways, such as:

- A child, a parent, a work colleague, a sibling or another adult may tell about something that has happened, their fears, or how they feel about being placed in certain situations
- Marked changes in a child's physical appearance or condition, their behaviour or family circumstances may arouse suspicion
- Observations in the interactions between an adult (Parent/Carer/other adult) and a child may raise concerns

It is recommended that a record be kept of events which give rise to concern, including conversations and observations. A notebook or a diary, that is kept in a secure place, preferably under lock and key, is an appropriate place to record any concerns.

If a member has a genuine concern that a child in their care has been, or may be subjected to abuse or neglect, then the situation must be dealt with quickly, carefully and with an open mind. If there is uncertainty about whether to notify or not, concerns should be discussed with the Centre's Child Safe Officer, the Little Athletics SA Chief Executive Officer or their appointed representative.

## Listen And Clarify:

If a child tells you about abuse listen attentively and later record the child's exact words (as well as you can recall), the time and place the allegation was made and who, if anyone, was present. Do not prompt the child for further details or ask questions as this may lead to contamination of evidence.

As the child talks to you:

- Observe the demeanor of the child
- React calmly to the information the child provides
- Listen actively and be non-judgmental
- Do not ask questions, for example, "*did they/she/he do....to you*"
- Reassure the child that they have done the right thing by telling you, for example, "*I am pleased you told me about these worries....*"
- Do not make promises you cannot keep, particularly about telling others (for example: Police, Parents etc.) about the information, or about what will happen next.
- Reassure and support any colleagues who are present
- You should:
- Provide comfort and care to the child, recognise that they may be fearful about the consequences of their action and confused about the situation
- Reassure the child that this is not their fault and they have not done anything wrong
- Not confront the alleged offender.



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Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

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## Record of meeting

*This record should be completed after all meetings or conversations relating to the management of allegations of child abuse by adults and stored in a confidential file.*

Date of meeting \_\_\_\_\_

Location of meeting \_\_\_\_\_

Attendees                      Include full names and titles of attendees  
*Example: John Smith Assoc. CEO or Club President, Ms Jones mother of Marcus*

Purpose of meeting            *Example: Discuss allegation of abuse towards Ms Jones' son Marcus by staff member/volunteer*  
*Recommend support organisations*  
*Discuss options for maintaining sport involvement*

Actions taken to date        *Example: Police contacted, other parents notified if appropriate*

Contact names and contact details                      Include all relevant contact details *Example: Contact number for CEO, Club President contact, contact number of SA Police investigating officer*

Future actions    List future actions to be taken and person responsible

Signature of CEO            Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Signatures of other attendees Name \_\_\_\_\_ : Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

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## Authorisation

<Signature of the Chief Executive Officer> \_\_\_\_\_

<Date of approval by the Board> \_\_\_\_\_

## For Further information on this document, please contact:

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