

Manning Valley Hockey Association Inc.

Grievance/Complaints Resolution Policy and Procedure (Version 1.0)

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1. Introduction

Manning Valley Hockey Association (MVHA) encourages open communication so that grievances and complaints can be aired and resolved informally between the parties involved. However, if a situation arises that cannot be resolved in this manner; the Grievance Resolution Policy and Procedure should be used to resolve issues.

2. Aim

The aim of this policy and procedure is to ensure a prompt resolution of the matter, with improved communications and working relationships. All grievances and complaints will be treated fairly, transparently and consistently with MVHA's various Codes of Conduct.

In dealing with these issues however MVHA will also take into account its responsibility under the Privacy Act 1988, Australian Privacy Principles Guidelines and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and maintain confidentiality as required.

Whilst the aim of this Policy and Procedure is to give members and clubs an understanding of how grievances and complaints should generally be managed and addressed, MVHA reserves the right to adopt a different process to that set out in this procedure, should the President or their delegate determine that an alternative process would be more suitable in the circumstances.

3. Principles

This procedure provides a resolution process for informal and formal grievances and complaints including but not limited to:

- bullying
- harassment
- sexual harassment
- discrimination
- victimisation
- inappropriate or unacceptable behaviours or conduct
- wrongdoing

Informal processes to resolve grievances and complaints are to be utilised before formal processes commence except in exceptional circumstances.

All grievances and complaints will be treated in a confidential, fair and timely manner to enable natural justice principles to be provided to all parties involved. All parties involved in the grievances or complaint will be reminded of the strict requirement to uphold confidentiality.

4. Definitions

Terminology	Meaning
Complaint	Includes grievance, dispute, concern, issue etc.
Complainant	The person raising the matter, making an informal or formal complaint
Respondent/s	The person/s named by the Complainant
Witness	Usually named by the Complainant or Respondent in a formal complaint process, this is a person who may have seen or heard something related to the matter
Support Person	A person attending meetings/interviews with a party or witness to the complaint. The role of the Support Person is to provide support to the party, they are forbidden from advocating or answering on behalf of the party

Impartial Third Person	An individual trusted by both parties, not involved in the matter in any way and who has adequate training and sensitivity to remain impartial. Normally a Contact Officer, HR person, Senior Manager or a mediator provided by the EAP service (refer to HR if required)
Natural Justice	A term related to procedural fairness; all formal complaints will be subject to natural justice principles
Investigator	Person appointed to investigate a formal complaint and provide a written report at the conclusion of an investigation. The person appointed may be internal or external to MVHA.

5. Informal Grievance/Complaints Resolution Process

Members and clubs in the first instance are to attempt to resolve a grievance or complaint through an informal process. Indications of when to use an informal process are:

- If it is a single incident
- If it is possible that the behaviour is unintentional
- If it appears the matter can be resolved in discussion between the parties
- If there is chance of quickly addressing the matter/s before a bigger problem develops
- When the information on hand supports a view that the grievance or complaint has arisen from a misunderstanding or miscommunication

The Complainant may seek advice on possible strategies from a Board Member.

5.1 INFORMAL WAYS OF RESOLVING COMPLAINTS

Informal ways of dealing with and seeking quick resolution to Grievances or Complaints can include one or more of the following actions:

- attempt to address the concern directly with the person(s) involved in the Complaint. It can often be the case that the Respondent(s) may not be aware their behaviour or actions is causing concern
- where there are concerns for privacy or confidentiality, arrange a private meeting to ensure both parties feel comfortable discussing the issue in an honest and open manner
- have an Impartial Third Person conveying information between those involved
- have an Impartial Third Person helping those involved to talk to each other and find a resolution

If the other person recognises or acknowledges the Complaint, and the matter is considered to not be sufficiently serious to warrant a formal association response, then an appropriate remedy will be identified, remedies include but are not limited to:

- An apology
- An agreement about future behaviour
- An undertaking that the behaviour will not be repeated

5.2 REPORT CONCERN TO THE BOARD

In circumstances where the Complainant does not feel comfortable raising their concern with the person involved in the concern or they feel the issue has not been satisfactorily resolved after attempting to address it themselves, the Complainant should report the concern **in writing** to the Board of Management.

Possible actions may include but are not limited to:

- The Board appointed director discussing the issue with the members involved in the concern
- The Board appointed director facilitating a meeting between the parties involved in the concern in an attempt to resolve the issues and move forward.

6. Formal Complaints Resolution Process

The formal complaints resolution process is to be used where:

- Informal complaint resolution attempts have failed
- The nature of the complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties
- The Complaint is in relation to a Board Member
- There is evidence to suggest the Complainant is being victimized or bullied
- The allegations are denied and the Complainant requests to proceed with a formal investigation to further examine the Complaint.

STEPS INVOLVED IN A FORMAL COMPLAINT AT MVHA

All Complaints will be subject to Natural Justice principles which include:

- Confidentiality
- Timeliness
- Impartiality
- The right to a Support Person for both the Complainant and the Respondent
- Right of reply including the opportunity for the Respondent to provide detail of any mitigating circumstances

STEP 1 – SUBMITTING A FORMAL COMPLAINT

To commence the formal review process, the Complainant must document their concerns in writing and submit to the Board of Management. The complaint must include as much information as possible including:

- The reason/s for their Complaint including any relevant examples and any supporting evidence
- What actions they have taken to date to resolve the situation such as informal methods indicated in section 4 of this procedure
- The preferred remedy to resolve the Complaint and any alternative remedies that they may consider to be acceptable

Additional examples or information in relation to the Complaint should not be raised subsequently (unless there are extenuating circumstances). This is to ensure the integrity of the review process.

The Complainant is required to keep the matter confidential.

STEP 2 - RECEIPT OF FORMAL COMPLAINT

The President or their delegate will acknowledge receipt of the complaint usually within 5 business days.

The President or their delegate will review the material provided, as well as any action taken to genuinely resolve the matter. Where it is agreed that the action already taken to resolve the matter is in accordance with MVHA requirements and/or this policy and procedure, the outcome of that review will stand, and the matter will be considered finalised. The Complainant will be informed of this decision in writing.

STEP 3 – ACCEPTANCE OF FORMAL COMPLAINT

Where it appears that measures to resolve the issue informally have proved unsuccessful or the matter is deemed serious, a formal review will commence. The President or their delegate will inform the Complainant and relevant members as applicable that the Complaint is now being formally reviewed.

The Respondent will be provided with a copy of the Complaint and given adequate time, not exceeding 7 days, to consider the allegations and prepare their written response.

The Complainant will be provided with a copy of the Respondent/s' written response.

All parties are required to maintain confidentiality in relation to the matter

STEP 4 – MEDIATED OUTCOME

Where both parties have indicated a willingness to participate, a mediated conversation will be held between the parties in order to resolve the Complaint. This will be conducted by an Independent Third Person appointed by the President or their delegate and may be a person internal or external to MVHA.

Each party will be notified of their right to have their nominated Support Person attend with them.

Mediation may occur over more than one session.

Where a mediated outcome is achieved, the formal Complaint process will be concluded, and all parties notified in writing by the President or their delegate.

STEP 5 – APPOINTMENT OF INVESTIGATOR AND NOMINATION OF REPORT RECIPIENT

Where all attempts at informal and mediated resolution have been unsuccessful, or the matter is deemed sufficiently serious, the President or their delegate will nominate an appropriate person to investigate the Complaint. The person nominated should be impartial and without bias. This may be a Board member trained to undertake investigations, or an external person such as an independent Investigator.

The President will determine whether an internal or external Investigator is required and to whom the investigation report should be provided at the conclusion of the investigation.

STEP 6 – CONFIDENTIALITY AND SUPPORT

All parties will be required to sign a confidentiality agreement (or investigation protocol containing such agreement).

Each party will be notified of their right to have their nominated Support Person attend meetings and interviews with them. Any Support Person will be required to sign a confidentiality agreement or investigation protocol.

STEP 7 – ALLEGATIONS AND INTERVIEWS

The specific allegations of the Complaint will be identified by the Investigator and presented to the Respondent.

If necessary, the Investigator will interview the Complainant to confirm the allegations and obtain further information.

Where a Complainant is unable to provide specific details of the alleged incident/s (e.g., dates and times) either in their initial written complaint or at the interview with the Investigator, due to procedural fairness, MVHA may not be able to proceed with further investigation into the Complaint until such time that this information is provided.

The Investigator will interview the Respondent/s in relation to the allegations and to obtain further information.

There may be multiple interviews for both parties.

STEP 8 – WITNESSES

If there is dispute over the facts, relevant Witnesses will be interviewed. All persons interviewed will be reminded of the importance of maintaining strictest confidentiality at all times and will be required to sign a confidentiality agreement relating to the investigation.

Each Witness will be notified of their right to have their nominated Support Person attend with them. Any Support Person will be required to sign a confidentiality agreement.

STEP 9 – FINDINGS

The Investigator will assess all the evidence gathered and make a finding regarding the substance of the Complaint. Such findings will be made on the balance of probabilities.

STEP 10 – REPORT

The Investigator will submit a written report to the person nominated in Step 5. This report may or may not include recommendations.

The report recipient will examine the report and findings, discuss with the Board if necessary, and recommend the appropriate course of action.

STEP 11 – NOTIFICATION OF OUTCOMES

Both the Complainant and Respondent will be provided with a summary of the outcomes of the investigation. In protecting the privacy of all parties, the full content of the Investigator's report cannot be released.

7. Consideration of Evidence

A formal complaint will not be dismissed on the grounds that no one saw or heard the incident/s occur. The nature of the offence may sometimes mean there are no direct Witnesses to the allegations. Those responsible for investigating complaints should consider all available evidence, including any surrounding evidence.

8. Withdrawal

Formal complaints may only be withdrawn by the Complainant where there is no risk to the safety of the Complainant or to others, notwithstanding MVHA's right to continue to investigate a matter it deems to be serious.

Where a Complaint is withdrawn by the Complainant, the Complainant should advise this decision in writing to the person addressing the matter.

Where a Complaint is withdrawn and MVHA elects not to continue to investigate, the Respondent/s will be advised in writing by the President or their delegate that the Complaint has been withdrawn.

9. Outcome of a Formal Complaint

The appropriate remedy to address a complaint should be reasonable and commensurate with the findings of the review into the matter or investigation.

Outcomes will depend on factors such as:

- the severity of the Complaint (including frequency of instances)
- the weight of the evidence
- the wishes of the Complainant
- the responses of the Respondent/s
- consideration of any prior incidents or warnings.

Outcomes of substantiated complaints can include any combination of the following:

- counselling
- disciplinary action
- formal apology
- conciliation/mediation conducted by an Impartial Third Person where the parties to the Complaint agree to a mutually acceptable resolution
- official disciplinary warnings
- disciplinary action against the Complainant if there is sufficient evidence that the Complaint was vexatious or malicious

Where an investigation has been conducted and there is insufficient evidence to determine whether or not the complaint is substantiated, MVHA will nevertheless:

- remind those involved of expected standards of behaviour and conduct
- provide mediation or facilitated discussions with parties involved in a complaint to support member harmony subsequent to an investigation
- monitor the situation as required

At the conclusion of a formal complaints process, the President or their delegate will notify the Board advising whether there are any organisational risk factors present and provide recommendations on any further actions to be taken as required.

10. Documentation

MVHA are to retain copies of all Complaints made and any evidence collected in dealing with, investigating and/or resolving a Complaint (including but not limited to written evidence of conversations, witness statements, emails, text messages, investigation reports etc.).

Records, notes, or reports will:

- be kept confidential
- be filed in a confidential system with limited access

11. Who does this procedure apply to?

This procedure applies to all participants involved in hockey, including players, officials, umpires, coaches, parents, volunteers, staff and spectators.

12. Related legislation and MVHA policy and procedures

12.1 EXTERNAL LEGISLATION AND FRAMEWORKS

New South Wales – Anti-Discrimination Act 1977
Age Discrimination Act 2004
Australian Human Rights Commission Act 1986
Disability Discrimination Act 1992
Racial Discrimination Act 1975
Sex Discrimination Act 1984
Privacy Act 1988

12.2 MVHA RELATED POLICIES AND PROCESSES

MVHA Various Codes of Conduct
Bullying, Harassment & Sexual Harassment Policy
Disciplinary Policy and Procedure

13. Monitoring and Review

This policy should be periodically reviewed and revised. Revisions should be made as and when required. The period between reviews must not exceed two years. The date for review of this Policy and procedure is on or before April 202

