



# *Telopea*

## *Amateur Swimming Club Inc.*

### ***Complaints Handling Protocol***

1. Complaints must be limited to those matters which are directly connected to the business activities of the sport including all competitions, training, social activities and the like.
2. Any complaint must be in writing for it to be dealt with. No complaint made by phone will be dealt with unless it is put in writing.
3. Complaints must be lodged within 10 days of the incident being complained of occurring in order for it to be dealt with.
4. The complaint must be addressed to the Secretary and/or President of the sport in the first instance.
5. The complaint must not be sent to everyone on the complainant's social media lists, especially Facebook, but only to the Secretary or President.
6. Once the complaint is received the Board or Committee may be notified and kept confidential by them at all times. Some boards may decide that unless the complaint is "serious" it can be handled by the Secretary.
7. The Secretary will ask the complainant what outcome he or she wants.
8. The Secretary will then refer the complaint to a Complaint Handler.
9. The Complaint Handler is authorised to speak to the parties and to any witnesses including any witnesses the parties may wish to identify. Those witnesses must have direct knowledge of the incident complained of and can't know it by hearsay, which means they have heard of it only through other people and means.
10. The Complaint Handler can require the parties – complainant and respondent – to attend a Managed Conversation in an attempt to bring the matter to conclusion. This is mandatory. The parties can bring a support person if they wish.
11. The Complaint Handler reports to the Secretary and President as to the outcome of the Managed Conversation.
12. If one or both of the parties refuses to attend the Managed Conversation the CH will report to the Secretary and President.
13. The parties may be suspended by the sport until they advise in writing that they have resolved their disagreement.

## Other Notes regarding conflict

1. Look at the constitution's grievance clauses.
2. If the club has an MPIO he or she should be immediately put in touch with the complainant. The role of the MPIO is to assist the complainant with the options available for resolution – which can be limited. The MPIO can't involve him or herself in resolving the matter. The role of the MPIO is to provide support for the person making the complaint, give information on the process and offer solutions. The MPIO does not investigate the complaint.
3. If the club has no MPIO then it needs to find someone who can fill the role and be objective and removed from the issues in dispute.
4. If the club has an MPIO who is a committee member or who has a connection with one of the parties, then there is a conflict and that person can't act. If possibly the MPIO is conflicted, we may wish to consider finding someone, or a group of people from whom one can be chosen, who can be called upon to take on the MPIO role as needed.
5. The club will need to find another person to be MPIO if there is a conflict – and in this instance could approach the SSA.
6. If there is no solution at this point the club, not the MPIO, can propose mediation which is usually the next step set out in the constitution.
7. Mediation is voluntary so no one can be forced to attend. It is a weak link in the process because either an investigation follows, or the matter remains in abeyance and unresolved.
8. If mediation, conducted by a third person mediator (not the MPIO or anyone from the club) is successful that is the end of the matter. The agreement reached is confidential.
9. If no mediation, for whatever reason, then the club will need to appoint an investigator who will then contact the parties, witnesses (including other parents), take statements, assess the evidence and make recommendations to the board.
10. Those recommendations may include penalties (set out in the constitution or bylaws) such as a warning, a fine, suspension or possibly expulsion, or the laying of a discipline charge for breach of the rules which would then be heard by a tribunal using the constitution's discipline processes.

Source: [www.playbytherules.net.au/resources/articles/managing-conflicts](http://www.playbytherules.net.au/resources/articles/managing-conflicts) 2019