



Policy and Procedure for Complaints and Disputes.

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1. POLICY STATEMENT

Rockingham and Districts Netball Association [“RDNA”] aims to support people associated with our sport to make and resolve complaints or disputes in an impartial, fair, timely and effective way.

A complaint or dispute (collectively referred to as a “Complaint”) can be about an act, behaviour, omission, situation, or decision that someone thinks is unfair, unjustified, and/or a breach of RDNA Policies.

The approach of RDNA through this Policy is to ensure consistency and procedural fairness in the resolution of Complaints.

Individuals and organisations to which this Policy applies may also pursue their Complaint externally under antidiscrimination, child-protection or other relevant legislation. If a Complaint is lodged through an external process, the same Complaint cannot be lodged with RDNA under this Policy.

If at any point in the Complaint process it is determined that a complainant has knowingly made an untrue Complaint or the Complaint is vexatious or malicious, the matter will be referred to the Disputes Committee for appropriate action.

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.

This policy is allied to the Netball Australia Member Protection Policy. Any Complaint not covered by the general policy guidelines will be dealt with in accordance with the Netball Australia Policy.

2. SCOPE OF POLICY

2.2 WHO DOES THIS POLICY APPLY TO?

This Policy applies to the following people/organisations whether they are operating in a paid or unpaid/voluntary capacity in the Rockingham and Districts Netball Association:

- (a) Individual Members, including service award holders and life members.
- (b) Individuals sitting on boards, committees and sub-committees.
- (c) All employees, volunteers, independent contractors and other workplace participants, including:
 - (i) Support personnel (e.g. managers);
 - (ii) Coaches and assistant coaches;
 - (iii) Athletes and players; and
 - (iv) Umpires, bench officials and other officials.
- (d) Any other person or organisation that is a member of or affiliated to RDNA.
- (e) Parents, guardians, spectators and sponsors and any other person or organisation to the full extent that is possible.



2.3 WHEN DOES THIS POLICY APPLY?

This Policy applies:

- (a) at any RDNA or Affiliate function, event or workplace, including outside normal working hours;
- (b) during work or voluntary activities, including dealing with Members, media, sponsors, other support employees, volunteers, independent contractors and other workplace participants or attending other external premises;
- (c) during all RDNA netball related activities including games, training events and camps;
- (d) at all times when providing services on behalf of RDNA, a Member Organisation or Affiliate; and
- (e) at all times when acting in any capacity, whether voluntary or paid on behalf of RDNA, a Member Organisation or Affiliate.

This Policy will continue to apply to a person even after they have ceased their association or employment with RDNA, Member Organisation or Affiliates if disciplinary action against that person has commenced.

2.4 WHO IS RESPONSIBLE FOR ADMINISTERING THIS POLICY?

- 2.4.1. The **Disputes Committee** is a Sub-Committee of the RDNA Management Committee (“Management Committee”), established under Rule 44 of the Constitution with delegated powers in accordance with Rule 45.
- 2.4.2. The Disputes Committee comprises five members appointed from nominations received at the Annual General Meeting, or subsequently, if insufficient nominations are received. The Disputes Committee shall elect a Chairperson from among its number. The Chairperson shall be the Complaint Manager described in the Netball Australia Member Protection Policy.
- 2.4.3. Disputes Committee members’ term of office shall expire at the next Annual General Meeting and may be reappointed.
- 2.4.4. The Disputes Committee has power to review and investigate all Complaints referred by the Management Committee and, on the evidence collected;
 - 2.4.4.1. Dismiss the Complaint or part of the Complaint; or
 - 2.4.4.2. At either party’s request, refer the Complaint for mediation; or
 - 2.4.4.3. Substantiate the Complaint or part of the Complaint and either:
 - (i) come to a resolution or impose a penalty based on the evidence submitted and gathered; or
 - (ii) convene a formal hearing to determine the veracity of the Complaint and if so determined, impose a penalty.
- 2.4.5. The **Member Protection Information Officer** (MPIO) is a subsidiary appointment under Rule 44 of the Constitution who is the first contact for anyone wishing to lodge a Complaint. The role of the MPIO is to provide information and guidance on complaints procedures and may, at the Complainant’s request, act as their support. Their role is not to manage or participate in the evidence



collection, mediation or formal hearing process. The MPIO may, at the request of the complainant, attend a formal hearing in a supportive capacity only.

2.5 WHEN IS THE NETBALL AUSTRALIA MEMBER PROTECTION POLICY AND PROCEDURES APPLICABLE?

RDNA shall follow the Netball Australia Member Protection Policy and its Procedures if the Complaint falls into one or more of its designated categories, namely:

- (a) Child protection
- (b) Taking images of children
- (c) Discrimination
- (d) Bullying
- (e) Sexual harassment
- (f) Victimisation
- (g) Inappropriate sexual relationship
- (h) Pregnancy
- (i) Gender identity
- (j) Cyber bullying and inappropriate online conduct.

3. PROCEDURES AND PROCESSES:

3.2 INFORMAL PROCESS:

The following steps may be taken to assist in the resolution of Complaints under this Policy:

Step 1: Direct Approach

Talk with the other person (Respondent) if it is safe, reasonable and appropriate to do so.

As a first step Complainant should try to resolve the problem with the Respondent if the Complainant feels confident to do so. RDNA will not be involved in any resolutions at this step.

Step 2: Contact the MPIO

- (a) The MPIO can advise the Complainant on the available options and Complaint handling procedures.
- (b) The Complainant may then decide:
 - (i) Not to take the matter any further; or
 - (ii) Continue to try to resolve the matter either personally, or with a support person; or with the help of a mediator; or
 - (iii) Resolve the matter through a formal process.



3.3 FORMAL PROCESS:

Step 3: Management Committee

If, after following Steps 1 and 2, the Complainant decides to pursue the Complaint through a formal process, then:

- 3.3.1 if the Complaint is between members of the same Club, the Complainant should seek resolution through the relevant Club's Complaint Policy and Procedures;
- 3.3.2 subject to 3.3.1, the Complainant can submit a **Confidential Written Complaint Form** ("the Form" completed in their own handwriting) to the Management Committee within 72 hours after the day on which the incident occurred;
- 3.3.3 The Confidential Written Complaint Form may be lodged by anyone to whom this Policy applies (see Scope of Policy). If a Complainant falls outside the scope of this policy, the affiliated Club or Entity may lodge the Form on the Complainant's behalf.
- 3.3.4 The Form must be submitted to a Management Committee Member who will sign and date it to acknowledge receipt of the document.
- 3.3.5 The Management Committee will convene and review the Form to decide if a formal Dispute process is required.
 - 3.3.5.1 Some complaints may be of a minor and/or purely personal nature with no connection to the activities of RDNA. In these cases, the Management Committee may determine that the complaint does not warrant a formal resolution procedure. The Management Committee will communicate its decision in writing to all parties and keep a confidential record of all documentation pertaining to the complaint.
 - 3.3.5.2 Only serious complaints and those covered by the Member Protection Policy will be referred to the Disputes Committee for action.
- 3.3.6 If upon receipt of the Complaint, the Management Committee considers that, pending the determination of the matter, the Respondent may put at risk the safety and welfare of the Complainant or others, it may order that the Respondent be:
 - 3.3.6.1 suspended from any role they hold with RDNA; and/or
 - 3.3.6.2 banned from any event or activities held by or sanctioned by RDNA; and/or
 - 3.3.6.3 transferred to an alternate role until the matter has been finally determined;
 - 3.3.6.4 required not to contact or in any way associate with the Complainant or other person about whom the alleged breach relates, pending the determination of the hearing.
- 3.3.7 If the Management Committee decides that a **Formal Process** should commence, then **Step 4** will proceed.
- 3.3.8 To avoid any 'Conflict of Interest', any Complaint relating to:
 - (a) An RDNA program or event or;
 - (b) A Management Committee Memberwill be immediately referred to the Disputes Committee.



Step 4 Disputes Committee

The Formal Process is initiated, and the following procedure applies:

- 3.4.1 The Management Committee will forward the Confidential Written Complaint Form and supporting documentation to the Disputes Committee Chairperson for review.
- 3.4.2 The Disputes Committee Chairperson will:
 - 3.4.2.1 Review the Complaint and any supporting Documentation.
 - 3.4.2.2 Request a written statement from the Respondent.
 - 3.4.2.3 Collect witness statements (if applicable and required).
 - 3.4.2.4 Collect any evidence relevant to the Complaint (Attachment III).
 - 3.4.2.5 Keep a Confidential Record of all Information obtained.
- 3.4.3 The Disputes Committee will convene to review all statements and evidence and will then decide to either:
 - 3.4.3.1 substantiate the Complaint (or part of the Complaint); or
 - 3.4.3.2 dismiss the Complaint (or part of the Complaint).
- 3.4.4 If the Disputes Committee decides to dismiss the complaint, it will communicate this decision in writing to all parties and keep a confidential record of all documentation pertaining to the complaint.
- 3.4.5 If the Disputes Committee finds that the complaint is substantiated, then the Disputes Committee is responsible for determining the next steps of the formal process. The Disputes Committee will consider all evidence and ensure procedural fairness to all parties and determine whether to:
 - 3.4.5.1 Come to a resolution or penalty based on the evidence on paper; or
 - 3.4.5.2 Convene a Tribunal Hearing or Mediation.
 - 3.4.5.3 Refer the Complaint to an External Agency (such as Netball WA).
- 3.4.6 The Disputes Committee will communicate the outcome of the formal process in writing to all parties and the Management Committee and keep a confidential record of all documentation pertaining to the complaint.

Resolution or penalty based on paper evidence

- 3.5.1. The Disputes Committee may impose any one or more of the following penalties:
 - 3.5.1.1. direct that the Respondent attend counselling or training to address their conduct;
 - 3.5.1.2. terminate the appointment of the role that the Respondent holds;
 - 3.5.1.3. where there has been damage to property, direct that the Respondent pay compensation to the relevant organisation that controls or has possession of the property;
 - 3.5.1.4. impose a monetary fine;



- 3.5.1.5. impose a warning;
- 3.5.1.6. suspend the Respondent for a specified number of rounds dependent on the severity of the breach;
- 3.5.1.7. in the case of a coach, make a recommendation that the relevant organisation de-register the accreditation of the coach for a specific period or indefinitely;
- 3.5.1.8. withdraw any awards, placings, records won in any tournaments, activities or events held or sanctioned by RDNA;
- 3.5.1.9. direct the Respondent to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by RDNA;
- 3.5.1.10. any other such penalty as the Disputes Committee considers appropriate.
- 3.5.2. If a penalty imposed under this Policy affects other organisations required to comply with this Policy, the relevant organisations shall be notified of the penalty as soon as possible.
- 3.5.3. Every organisation to which this Policy applies shall recognise and enforce any decision and penalty imposed under this Policy.
- 3.5.4. The form of discipline to be imposed on the Respondent may depend on factors such as:
 - 3.5.4.1. the jurisdiction over the Respondent;
 - 3.5.4.2. the wishes of the Complainant;
 - 3.5.4.3. if the Respondent knew or should have known that the behaviour was a breach;
 - 3.5.4.4. the Respondent's level of contrition;
 - 3.5.4.5. the effect of the proposed disciplinary measures on the Respondent including any personal, professional or financial consequences;
 - 3.5.4.6. if there have been relevant prior warnings or disciplinary action; and/or
 - 3.5.4.7. if there are any mitigating circumstances.

Mediation

Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the Mediator – to work out a mutually agreeable solution.

The Mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, the Mediator helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

The general procedure for mediation is as follows:

- 3.6.1. The people involved in a formal complaint (Complainant and Respondent) may work out their own resolution of the Complaint or seek the assistance of a neutral third person or a Mediator. Mediation may occur at any stage in the complaints process.
- 3.6.2. Mediation **may not** be appropriate if:
 - a. the Complainant or Respondent are unwilling to attempt mediation;



- b. the issues raised are sensitive in nature;
 - c. there is a real or perceived power imbalance between the people involved;
 - d. it is a matter that involves serious, proven allegations;
 - e. the Complaint is not suitable for mediation due to either the nature of the Complaint, or the relationship between the Complainant and the Respondent, or any other relevant factors.
- 3.6.3. If mediation is chosen to try and resolve the Complaint, the Management Committee will appoint a mediator. This may be either the Disputes Chairperson or another impartial Mediator.
- 3.6.4. The Mediator's role is to assist the Complainant and Respondent to reach an agreement on how to resolve the problem.
- 3.6.5. The Mediator, in consultation with the Complainant and Respondent, will choose the procedures to be followed during the mediation.
- 3.6.6. The mediation will be conducted confidentially and without prejudice to the rights of the Complainant and the Respondent to pursue an alternative process if the Complaint is not resolved.
- 3.6.7. At the end of a successful mediation the Mediator will prepare a document that sets out the agreement reached between the Complainant and Respondent and it will be signed by them as their agreement.
- 3.6.8. If a resolution is reached at mediation, no further action may be taken under this Policy (except by agreement between the parties).
- 3.6.9. If the Complaint is not resolved by mediation, the Complainant may:
- 3.6.9.1. request that the Complaint proceed to a Tribunal Hearing; or
 - 3.6.9.2. approach an external agency such as an anti-discrimination or equal opportunity commission to resolve the matter.

Tribunal Hearing Process

- 3.7.1. The RDNA Administrator shall be responsible to:
- (a) Advise parties involved, in writing - the hearing date, time and place:
 - i. the Complainant;
 - ii. the Respondent;
 - iii. the umpires involved, if applicable and
 - iv. other parties, if applicable.
 - (b) Request confirmation from Club Secretaries that arrangements are suitable.
- 3.7.2 No party to the hearing may be represented by a barrister or solicitor. A party may be accompanied by a support person who is not a barrister or solicitor at the hearing.
- 3.7.3 Each party to the hearing shall bear their own costs in relation to the hearing.
- 3.7.4 The Tribunal Hearing Panel (the "Tribunal") will consist of 3 people:



- (a) the Disputes Committee Chairperson or their nominee,
- (b) the RDNA President or their nominee, and
- (c) one member of the Disputes Committee.

If either (a) or (b) above has already undertaken the role of Mediator in an attempt to resolve this Complaint, then their nominee is to serve in their stead.

3.7.5. The Tribunal will:

- 3.7.5.1. interview the parties involved separately;
- 3.7.5.2. seek clarification on and/or elaboration of the Complainant's statement in the Confidential Written Complaint Form;
- 3.7.5.3. seek clarification on and/or elaboration of the Respondent's written statement in response to Complainant's allegations;
- 3.7.5.4. decide whether there is sufficient information to determine whether the matter alleged in the Complaint did or didn't happen; and/or
- 3.7.5.5. determine what, if any, further action to take. This action may include:
 - i. disciplinary action in accordance with Step 3.5.1
 - ii. investigating the Complaint further;
 - iii. referring the Complaint to facilitated mediation; or
 - iv. referring the Complaint to external parties.



4. PROCESS DIAGRAM:



