



Bowls New South Wales Ltd

Member Protection Policy

Attachment C1 Complaints Procedure

BNSW aims to support people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

We will keep all complaints confidential. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or if it is necessary to properly resolve the complaint.

To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide informal and formal procedures to resolve complaints. Individuals and organisations can also complain to external organisations under anti-discrimination, child protection and other relevant laws.

If at any point in the complaint process the BNSW CEO or the Member Protection Information Officer (MPIO) considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the BNSW Board 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.

Informal approaches

Step 1: Talk with the other person (if safe, reasonable and appropriate)

If you feel confident to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

If the dispute remains unresolved (and if appropriate), you should then raise the matter with a senior member of the Committee/Board or Manager/CEO at your Club for resolution under the Club's grievance policy.

Step 2: Contact a Member Protection Information Officer

We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

- the first step is not possible or reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially with someone and find out what options are available to resolve the problem, or
- the problem continues after you approached the other person.

The names and contact details for our MPIOs are available at www.bowlsnsw.com.au.

The MPIO will:

- take confidential notes about your complaint
- try to find out the facts of your complaint
- ask how you would like the problem to be resolved and if you need support
- provide different options for you to resolve the problem
- act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you resolve the problem, if necessary
- inform the relevant government authorities and/or police, if required by law to do so
- maintain confidentiality.

Step 3: Decide how to resolve the problem

After talking with the MPIO, you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter forward
- to try and resolve the problem yourself, with or without a support person

- to resolve the problem with the help of someone impartial, such as a mediator
- to resolve the matter through a formal process.

Formal Process

Step 4: Formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the BNSW CEO, or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice.

If you wish to remain anonymous, BNSW cannot assist you to resolve your complaint. The principles of natural justice must be followed in order to be fair to both sides. This means that BNSW or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

After receiving a formal complaint, and based on the material you provide, the BNSW CEO will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure. (Some complaints may be of a minor and/or purely personal nature with no connection to the activities of BNSW. In these cases, the BNSW CEO may determine that the complaint does not warrant a formal resolution procedure and therefore no further action shall be taken)
- to appoint a person to investigate the complaint;
- to refer the complaint to mediation;
- to refer the complaint to a tribunal hearing;
- 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.

In making the decision(s) outlined above, the BNSW CEO will take into account:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and, if someone else should handle the complaint
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint
- your wishes, and the wishes of the respondent, regarding the way the complaint should be handled
- whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors (e.g. an actual or perceived power imbalance between you and the respondent)
- the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted.

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

- get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps)
- put the information they've received from you to the person(s) you're complaining about and ask them to provide their side of the story
- decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take, including disciplinary action in accordance with this policy

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment C3.

Following the investigation, a written report will be provided to The BNSW CEO who will determine what further action to take:

- If the complaint is referred to **mediation**, we will follow the steps outlined in Attachment C2 or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in Attachment C5.
- If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance



Bowls New South Wales Ltd

Member Protection Policy

required by the police or the agency.

- Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or tribunal hearing) are to be met by BNSW unless otherwise stated in the relevant attachment.

Step 6: Reconsidering a complaint or appealing a decision

If mediation is unable to resolve the matter, you may request that BNSW CEO reconsider the complaint in accordance with Step 3. You or the respondent(s) may also appeal a decision made by a tribunal hearing. The grounds and process for appeals are set out in Attachment C6.

Step 7: Documenting the resolution

The BNSW CEO will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a District or Zone level, the information will be stored in the BNSW 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 Bowls Australia office with a copy stored at the BNSW office.

External procedure

There may be a range of external options available to you depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from the NSW Equal Opportunity Commission without being obliged to make a formal complaint. If the Commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the Commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made as to whether unlawful harassment or discrimination occurred. The Commission 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.

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

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.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website: <http://www.playbytherules.net.au/resources/quick-reference-guide>

Serious incidents, such as assault or sexual assault, should be reported to the police.