

Bowls New South Wales Ltd

Member Protection Policy

Attachment C2

Mediation Procedure

Mediation is a process by which people who are in conflict can be helped to communicate with each other about what is important for them and how to make decisions about resolving their dispute. Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.

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

This attachment outlines the general procedure of mediation that will be followed by BNSW.

1. The people involved in a formal complaint (complainant and respondent/s) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of the complaint.
2. Mediation will only be recommended:
 - After the complainant and respondent have had their chance to tell their version of events to the BNSW CEO on their own; and
 - The BNSW CEO does not believe that any of the allegations warrant any form of disciplinary action- proven serious allegations will not be mediated, no matter what the complainant desires; and
 - Mediation looks like it will work (i.e. the versions given by the complainant and respondent tally or almost tally and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).
3. Mediation will **not** be recommended if:
 - The respondent has a completely different version of the events and they won't deviate from these;
 - The complainant or respondent are unwilling to attempt mediation;
 - Due to the nature of the complaint, the relationship between you and the respondent(s) and any other relevant factors, the complaint is not suitable for mediation; or
 - Legal proceedings have been instigated by either party
4. If mediation is chosen to try and resolve the complaint, the BNSW CEO will, in consultation with the complainant and the respondent(s), arrange for an agreed mediator to mediate the complaint.
5. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
6. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
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(s) and it will be signed by them as their agreement.
8. If the formal complaint is not resolved by mediation, the complainant may:
 - Write to the BNSW CEO to request that the BNSW CEO reconsider the complaint in accordance with **Step 5**; or
 - Approach an external agency such as an anti-discrimination commission.