



GLENELG BASEBALL CLUB INC.

FOUNDED 1931 ABN 43 351 663 278 INCORPORATED
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 **P.O. BOX 51, GLENELG, 5045**

Grounds and Clubhouse: Anderson Avenue, Glenelg North SA 5045

Web site: www.glenelgbaseballclub.com.au

POSITION STATEMENT 5

COMPLAINTS PROCEDURE

Glenelg Baseball Club aims to provide a simple procedure for complaints based on the principles of natural justice (procedural fairness). Any person (a complainant) may report a complaint about a person/s bound by this policy (respondent).

The lowest level at which a matter can be dealt with shall always be preferred. Therefore, if a complaint relates to behaviour or an incident that occurred at:

- a team level, or involves people operating at the team level, then the complaint should be reported to and handled by the Playing Operations Manager/Junior Development Manager in the first instance; or
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the President in the first instance.

A complaint may be dealt with informally or formally. The complainant usually decides this unless the President of Glenelg Baseball Club considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in **Attachment 1**.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

Mediation

Glenelg Baseball Club aims to resolve complaints with a minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a Mediator, the President will, in consultation with the complainant, arrange for a neutral third party Mediator where possible.

More information on the mediation process is outlined in **Attachment 1**.

Improper Complaints & Victimisation

Glenelg Baseball Club aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation against the person making the complaint. If at any point in the complaints process the President considers that a complainant has knowingly made an untrue complaint or the complaint is malicious or intended to cause distress to the person complained of, the Board, on behalf of Glenelg Baseball Club, may pursue disciplinary action against the complainant.

Glenelg Baseball Club will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

Dictionary

In this Position Statement:

Complaint means a complaint made under Attachment 1.

Complainant means a person making a complaint.

Complaint Handler/Manager means a person appointed under this policy to investigate a Complaint.

Mediator means an impartial/neutral person appointed to mediate Complaints.

Natural justice (also referred to as procedural fairness) incorporates the following principles:

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just; and
- the penalties imposed must be fair.

Respondent means the person who is being complained about.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has pursued or intends to pursue their rights to make any complaint including a complaint under government legislation (e.g. anti-discrimination law) or under this Position Statement, or for supporting such a person.

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. For further information on discrimination, see Glenelg Baseball Club, Position Statement 2, *Antidiscrimination and Harassment*. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

ATTACHMENT 1: COMPLAINTS PROCEDURE

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.

If you wish to remain anonymous, Glenelg Baseball Club may have difficulty assisting you to resolve your complaint.

Natural justice (Procedural fairness) means that Glenelg Baseball Club is required to provide the person/people you have complained about with full details of the Complaint so they have a fair chance to respond.

INFORMAL APPROACH

Step 1: Talk with the other person (where this is reasonable, safe and appropriate)

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (Respondent) if you feel able to do so.

Step 2: Contact the Playing Operations Manager/Junior Development Manager

Talk with the Playing Operations Manager/Junior Development Manager if:

- the first step is not possible and/or reasonable;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- the problem continues after you tried to approach the person or people involved.

The Playing Operations Manager/Junior Development Manager will:

- take confidential notes about your Complaint;
- try to find out the facts of the problem;
- ask what outcome you want/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person (e.g. the President, or a Mediator arranged by the President in accordance with this Position Statement) 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: Outcomes from initial contact

After talking with the Playing Operations Manager/Junior Development Manager, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person)
- to seek a mediated resolution with the help of a third person (such as a Mediator); or
- to seek a formal approach.

FORMAL APPROACH

Step 4: Making a Formal complaint

If your Complaint is not resolved or informal approaches are not appropriate or possible, you may make a formal complaint in writing to the President.

On receiving a formal complaint and based on the material you have provided, the President 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;
- to refer the Complaint to mediation;
- to appoint a person or persons to investigate (gather more information on) the Complaint;
- 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 President will take into account:

- whether they have had any personal involvement in the circumstances which means that someone else should handle the Complaint;
- your wishes, and the wishes of the Respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the Respondent (for example an actual or perceived power imbalance between you and the Respondent);
- whether the facts of the Complaint are in dispute; and
- the urgency of the Complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

The person/s handling the Complaint will, to the extent that these steps are necessary:

- put the information they have received from you to the person/people you are complaining about and ask them to provide their side of the story;
- decide if 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. This action may include disciplinary action in accordance with this policy.

Step 5: Investigation of the complaint

A person appointed under Step 4 to investigate a Complaint will conduct an investigation and provide a written report to the President who will then determine what further action to take.

If the Complaint is referred to mediation, it will be conducted as agreed by you and the Respondent and the mediation provider.

If the Complaint is referred to the police or other appropriate authority, Glenelg Baseball Club will use its best endeavours to provide all reasonable assistance required by the police or other authority.

It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to impose any penalty.

Step 6: Reconsideration of initial outcome/investigation

If, under the formal complaint process, mediation is unsuccessful, you may request that the President reconsider the Complaint in accordance with Step 3.

Step 7: Documenting the resolution

The President will document the Complaint, the process and the outcome. These documents will be stored in a confidential and secure place.

MEDIATION

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by Glenelg Baseball Club.

- If mediation is chosen, the President will, in consultation with the Complainant and the Respondent(s), arrange for a Mediator.
- 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.
- 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.
- At the end of a successful mediation the Mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.
- Mediation will not be recommended if:
 - the Respondent has a completely different version of the events and will not deviate from these; or
 - either the Complainant or Respondent is unwilling to attempt mediation; or
 - due to the nature of the complaint, the relationship between the Complainant and the Respondent(s) or any other relevant factors, the Complaint is not suitable for mediation; or
 - the matter involves proven serious allegations, regardless of the wishes of the Complainant.