



**1<sup>st</sup> September 2015**

## **Complaint Management Policy**

### **Dealing with Complaints**

As well as procedures to deal with on field complaints, WA Squash also has the responsibility to address off field behaviour (e.g., sexual harassment) or unfair administrative decisions (e.g. unfair rules).

WA Squash has developed **Member Protection** and other policies and procedures to help guide member clubs in dealing with these complaints.

It is important that clubs respond to all complaints, follow Squash Australia and WA Squash policies and seek clarification from WA Squash (or an external authority) if they are unsure about what to do.

If Squash Australia or WA Squash manages a complaint the role of the club is to co-operate in any investigation, manage the situation until the outcome of the complaint is decided and implement any disciplinary action if required.

This section provides general information to assist club administrators understand:

### **Complaint handling principles**

It is important that handling of complaints is fair, just and transparent (i.e. clear processes and procedures are followed).

The following principles should be applied:

- **Treat** complaints seriously
- **Act** promptly
- **Treat** people fairly and listen to both sides of the story
- **Stay** neutral
- **Keep** parties to the complaint informed
- **Try to Maintain** confidentiality if possible
- **Protect** against victimisation
- **Keep** accurate records
- **Make** decisions based only on information gathered not personal views
- **Disciplinary** action should be relative to the breach

## Complaint options and steps

WA Squash's **Member Protection Policy** describes options and procedures for dealing with complaints.

Where possible, less serious complaints should be resolved informally at the level they occur (e.g. club). An example of a less serious complaint is a coach showing favouritism towards their own child in team selection. However, the circumstances of some complaints may require more formal processes, such as a player missing out on team selection because of race or religious beliefs. Referral to an external agency may be required for very serious issues like suspicion of harm against a child.

There are occasions when a club would benefit from the support of their regional or state sporting organisation to deal with a complaint, for example if a fair process can't be guaranteed because the person being complained about is also responsible for dealing with complaints at the club. Whether such support is available or necessary depends on your sport's constitution and policies.

### Escalating a complaint

Escalating a complaint to an external agency is a good option when WA Squash's policies or constitution directs that this type of complaint be dealt with at the state or national level, and;

- There is a possible conflict of interest (or close relationship) between the people on the management committee and any of the parties to the complaint
- It is beyond the skills of the committee and specific expertise or experience may be required to manage the complaint
- The complaint has not been able to be resolved at the club level
- The issue is more serious than first thought

Understand that the person complaining can contact an external authority (e.g. an anti-discrimination agency) at any stage in a sports complaint process.

This section provides information on steps to deal with complaints about:

- **Discrimination and harassment** (and other unfair decisions or inappropriate behaviour)
- **Suspicious of harm against a child**

### Meeting the parties

Dealing with complaints involves talking to the people involved and listening to their respective sides of the story. Before you take this step, think about the best way of organising the meeting, how the people involved might respond and what you can do to manage the situation in a fair and impartial manner. Below are some tips to help prepare for meeting:

- **Put** yourself in place of the people involved.
- **Think** about what you're going to say and how you're going to say it.
- **Consider** how the issue relates to your club's policies and codes of behaviour.
- **Recognise** that different people will probably want different things.
- **Don't** be defensive or allow yourself to be pressured into a particular course of action.

- **Be clear** about how you will manage expectations about the complaint process and outcomes:
- if a person wants help but doesn't want to be identified explain that you're limited in the actions you can take, unless the complaint involves a child
- if a person insists on immediate disciplinary measures let them know that the person they are complaining about has the right to tell their side of the story
- if you have conflict of interest (e.g., you are related to the person being complained about) remove yourself from the process.
- **Remember:** the safety of club members should be your first priority, particularly if the complaint involves possible child abuse.

### **Putting yourself in the place of those involved**

### **Think about the complainant**

Making a complaint can be very difficult. The person making the complaint may be:

- angry, upset, afraid or hostile concerned that they'll get a reputation as a trouble-maker
- fearful that there may be retaliation because they've made a complaint
- uncomfortable about discussing their concerns
- concerned that little may change as a result of meeting with you
- defensive, particularly if the person against whom they are complaining is another club official.

### **Think about the accused**

The person against whom the complaint has been made may:

- react with shock
- be angry
- deny the allegation
- threaten to resign or leave the club
- fear that a complaint will impact on their reputation and standing within the club
- threaten legal action.

### **Be clear about how you will manage expectations**

### **If a person wants help but doesn't want to be identified**

- Explain you may be limited in what you can do.
- Explore their reluctance: they may be fearful of victimisation or other repercussions.
- Check if they'd be more comfortable talking to someone else in the club.
- Explain that they can go to an outside body, such as the sport's state association or their state/territory department for sport and recreation, child protection or anti-discrimination agency, at any time.

- Explain that you'll ensure codes of behaviour and other policies are reinforced.
- Seek advice from the appropriate authority if the matter is serious e.g. suspected child abuse, physical or sexual assault.
- Monitor and review the situation.

### **If the person insists on immediate disciplinary measures**

- Explain that everyone has the right to a fair hearing. This means people are 'innocent until proven guilty' and that they have the right to tell their side of the story.
- Make sure the person understands the club's complaint procedures and let them know that they can go to an outside body (e.g. state/territory department for sport and recreation) if they're unhappy with the process.
- If the complaint is serious, consider moving the person against whom the complaint has been made to another position that does not involve contact with children, young people or the person making the complaint. Alternatively, you may wish to allocate extra personnel to provide support/supervision as the person being investigated goes about their role.
- Explain that no-one should be victimised as a result of this process.

### **If you have conflict of interest**

- Declare that you have a conflict of interest.
- Arrange for someone else with authority in your club to deal with the complaint.
- Let the person know where they can get help, for example their state's sport organisation, the department for sport and recreation, child protection and anti-discrimination agencies.

## Where to get help

- Although WA Squash will deal with complaints, external help is also available. Irrespective of whether you have a complaint, you're responding to a complaint or someone has complained about you, you can get information and external support from a range of agencies.

<b>Anti-discrimination agencies</b>	Free confidential advice about discrimination, harassment, victimisation and the lodgement of complaints
<b>Child protection agencies</b>	Offer advice and handle reporting of child abuse / suspicion of harm against child
<b>Police</b>	Investigate physical and sexual assault (of children and adults)
<b>Legal service commissions</b>	Provide free legal advice (limited) and means tested legal representation
<b>Law societies</b>	Offer referrals to specialist legal practitioners (fee for service)
<b>Community legal and mediation services</b>	Provide low (or no) free mediation for sport's club complaints.

### ▪ More information about agencies and their services

<b>Anti-discrimination and equal opportunity commissions</b>	Administer national human rights and equal opportunity laws. Investigate and attempt to resolve complaints of illegal discrimination, harassment or victimisation. Educate to prevent discrimination and harassment.
<b>Australian Sports Commission</b>	Implements federal government's sport policies. Helps the sport industry develop child safe, harassment-free environments. Monitors the handling of national level complaints (does not directly handle complaints or investigations).
<b>Child protection agencies</b> <b>Note: Some states have more than one agency administering child protection legislation.</b>	Provide advice on enquiries about suspicion of harm against children and investigate emotional abuse and neglect. Administer Working With Children or police checks.
<b>Community mediation services</b>	Free (or low cost), confidential mediation and negotiation.
<b>Law societies</b>	Provide: - legal advisory services - mediation - referral services. Legal Services Commission Provides free legal advice. Provides means tested legal representation.

**Police** Investigate allegations of physical or sexual assault. Investigate suspicions of child abuse. Conduct criminal record checks. Provide application forms for national police checks.

**State and territory sport and recreation agencies** Implement state government's sport policies. Help in the development of child safe, harassment-free sporting environments. Do not directly handle complaints or investigate or resolve disputes. Note: The services offered by agencies may vary between states and territories.

**This information should be used as a general guide only.**