

## PART D: COMPLAINT HANDLING PROCEDURES

To ensure consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures, Judo SA will follow and implement the following procedures:

- D1 Complaints Procedure
- D2 Disciplinary Measures

### **Attachment D1: Complaints Procedure**

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of the Member Protection policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about whom the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, Judo SA provides a step-by-step complaints procedure that people may enter at any stage. Individuals and organisations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

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.

Any costs relating to the complaint process set out in this Member Protection Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by the complainant.

#### **Step 1**

As a first step the complainant should try to sort out the problem with the person or people involved if he/she feels able to do so.

#### **Step 2**

If the complaint is not resolved to the complainant's satisfaction, he/she may:

- make a formal complaint in writing to the Committee of Management; and/or
- approach a relevant external agency for advice.

#### **Step 3**

If the complainant decides to make a formal complaint in writing under Step 2, the Committee of Management will, on receiving the formal complaint and based on the material he/she has provided, decide:

- whether they are the most appropriate body to handle the complaint;
- whether the nature and seriousness of the complaint warrants a formal resolution procedure;
- to refer the complaint to the Judo SA Complaints Committee;
- to consider obtaining support from a Member Protection Information Officer as indicated in Step 4 if you haven't already done so;
- to refer the complaint to an appropriate professional body;
- to refer the matter to the police or other appropriate authority; and/or

- to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the Committee of Management will take into account:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- the complainant's wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- whether or not the complaint should be referred to informal or formal mediation or to a hearings tribunal;
- the nature and sensitivity of any information or other material that must be provided by all parties involved in the complaint; and
- the urgency of the complaint.

If the Committee of Management is the appropriate body to handle the complaint they will, to the extent that these steps are necessary:

- receive full information from the complainant regarding the complaint and its proposed resolution;
- provide all information received from the complainant to the respondent and request a response from the respondent;
- decide whether there is enough information for the issue to be resolved; and/or
- determine what further action is required.

#### **Step 4**

If:

- the first step is not possible/reasonable; or
- the complainant is not sure how to handle the problem by him/herself; or
- the complainant just wants to talk confidentially about the problem with someone and get more information about what he/she can do; or
- the problem continues after the complainant tried to approach the person or people involved;  
then

talk with A Member Protection Information Officer [MPIO]. A list of MPIOs is available from the Judo Federation of Australia Inc. website or the Australian Sports Commission website.

The MPIO will:

- take notes about the complaint (which the MPIO will keep in a secure and confidential place);
- try to sort out the facts of the problem;
- ask what outcome the complainant wants or how the complainant wants the problem resolved and if he/she needs support;
- provide possible options for the complainant to resolve the problem;
- explain how our complaints procedure works;
- act as a support person if the complainant so wishes;
- refer the complainant to an appropriate person to help him/her resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

## Step 5

After talking with the MPIO the complainant may decide:

- there is no problem;
- the problem is minor and he/she does not wish to take the matter forward;
- to try and work out the complainant's own resolution (with or without a support person such as a MPIO); or
- to seek an informal mediated resolution with the help of a relevant third person.

If the complainant wishes Judo SA to assist him/her to resolve the complaint, then Judo SA has to follow the principles of natural justice and be fair to both sides. This means that Judo SA or the complainant may be required to provide the person/people he/she has complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

## Step 6

If:

- the complaint is referred to an appropriate professional body, the Committee of Management will determine what further action is required;
- the complaint is referred to the police or other appropriate authority under **Step 3**, Judo SA will abide by its lawful requirements; and
- interim administrative or other arrangements are implemented under **Step 3**, the Committee of Management will periodically review these arrangements to ensure that they are effective.

## Step 7 Correspondence of the Determination Notification

The decision will be communicated by registered mail by the Committee of Management to the complainant and the respondent within 21 days of completion of the complaint procedure.

## Step 8 Appeals Procedure

1. A complainant or a respondent(s) who is not satisfied with a decision made by the Committee of Management described in **Step 6** of the Complaints Procedures can lodge one appeal to the Committee of Management on one or more of the following bases:
  - That a denial of natural justice has occurred; or
  - That the disciplinary measure(s) imposed (see Attachment C2) is/are unjust and/or unreasonable.
2. A person wanting to appeal in accordance with paragraph 1 must lodge the appeal to the Committee of Management within 45 days of receipt of the complaint notification.
3. Upon receipt of the letter of appeal, the Committee of Management will review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed.
4. If the appeal is considered to have sufficient grounds to proceed then the Committee of Management will determine how to proceed, in consultation with the complainant.
5. The decision of the Committee of Management will be forwarded to the person making the appeal.

## **Step 9**

If the above complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for the complainant or the respondent either may choose to approach another external agency to assist with a resolution.

## **Step 10**

Judo SA will keep records of the complaint, the process followed and the outcome. The records of the complaint will be stored in a confidential and secure place.

## **VEXATIOUS COMPLAINTS**

If at any point in the complaint process 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 will be referred to the Committee of Management for appropriate action.

## **Attachment D2: Disciplinary Measures**

Any disciplinary measure imposed by Judo SA under this policy must:

- Observe any contractual and employment rules and requirements;
- Conform to the principles of natural justice;
- Be fair and reasonable;
- Be based on the evidence and information presented; and
- Be within the powers of Judo SA to impose the disciplinary measure.

### **Individual**

Subject to contractual and employment requirements, if a finding is made that an individual has breached Judo SA's Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the Committee of Management:

1. A direction that the individual make a verbal and/or written apology;
2. A written warning;
3. A direction that the individual attend counselling to address their behaviour;
4. A withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Judo SA;
5. A demotion or transfer of the individual to another location, role or activity;
6. A suspension of the individual's membership or participation or engagement in a role or activity;
7. Termination of the individual's membership, appointment or engagement;
8. Recommend that the Judo Federation of Australia terminate the individual's membership, appointment or engagement;
9. In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently; and/or
10. Any other form of discipline that the Committee of Management considers appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by that individual in the future may result in the imposition of a more serious form of discipline.

## **Affiliated Club**

If a finding is made that a Judo SA affiliated club has breached the Judo SA Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the Committee of Management:

1. A written warning;
2. A monetary fine;
3. Any rights, privileges and benefits provided to that club by Judo SA may be suspended for a specified period;
4. Any funding granted or given to that club by Judo SA may cease from a specified date;
5. Judo SA may cease to sanction events held by or under the auspices of that club;
6. A recommendation to the Judo Federation of Australia Inc. that that club's membership of the Judo Federation of Australia Inc. be suspended or terminated in accordance with the relevant constitution or rules; and/or
7. Any other form of discipline that Judo SA considers to be appropriate.

Any form of discipline imposed will be accompanied by a warning that a similar breach of policy by the organisation in the future may result in a more serious form of discipline.

### **Factors to consider when imposing discipline**

The form of discipline to be imposed on an individual or club will depend on factors such as:

- the ability to enforce a penalty (may be difficult if the individual is a parent and/or spectator and not a member of Judo SA);
- the nature and seriousness of the behaviour or incidents;
- in a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- whether the individual concerned knew or should have known that the behaviour was a breach of the policy;
- the level of contrition of the respondent(s);
- the effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- whether there have been relevant prior warnings or disciplinary action; and/or
- whether there are any mitigating circumstances such that the respondent(s) should not be disciplined at all or not disciplined so seriously.