

Complaints Handling Policy



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Preface

Riding for the Disabled Association of the ACT Inc. (Pegasus) values the diversity of its staff, volunteers and participants, and strives to provide a safe and supportive environment for them. Harassment, discrimination and other inappropriate behaviour are not acceptable. If such acts do occur, Pegasus will always endeavour to resolve conflict in an informal and supportive manner in the first instance. This policy provides detail on the procedures available to staff, volunteers and clients who have a complaint and wish to have it resolved.

This document is taken from the Riding for the Disabled Association of Australia (RDAA) Personnel Protection Policy, and has been adapted to suit the specific needs of Pegasus. For additional information involving determinations and penalties or other areas of member

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protection, please refer to the RDAA Personnel Protection Policy, available to all members for perusal upon request to the Pegasus office or a member of staff.

Member Protection means the practices and procedures that protect an organisation's personnel. For the purposes of this policy, personnel / members include member states, centres and individuals including participants, administrators, staff, coaches and volunteers. Member Protection involves protecting members from harassment, discrimination, vilification, abuse and other forms of inappropriate behaviour.

Pegasus has appointed an accredited Member Protection Officer who is specifically trained in complaints handling and procedures, with a knowledge of relevant legislation and access to a network of support and information.

A list of current Member Protection Officers within the sport industry is available upon request to the Pegasus office or a member of staff, at www.activeaustralia.org/hfs or by contacting the Australian Sports Commission on 02 6214 1111.

1 Complaint Resolution Procedure

- 1.1 Any person or organisation may make a complaint about an individual involved with Pegasus or about the organisation itself if they consider that the individual or organisation has acted in a way detrimental to the health, safety or emotional, mental or physical well-being of the complainant.
- 1.2 The complaint always belongs to the complainant, who will determine how their complaint is dealt with. The complaint will not be divulged to another person without the complainant's agreement, except in the case where a person is required by law to report the matter to government authorities (for example, in the case of suspected child abuse).

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1.3 It is recommended that complaints are handled, as far as possible, at an informal level. A common-sense, low-key approach is often far more satisfactory to the complainant and to the person complained about.

1.4 The four principles of case handling will apply at every stage of these procedures. This means that all responsible persons will handle all cases:

- Promptly,
- Seriously,
- Sensitively, and
- Confidentially.

2 Informal Complaint Resolution Procedure

2.1 A complainant may seek to resolve the complaint informally. It is hoped that the complainant will make an initial approach to the Pegasus appointed Member Protection Officer, or to a Member Protection Officer within RDAA or within the sports industry. Complaints may also be directed to Pegasus' Volunteer Coordinator, a Coach, staff member or to the Chief Executive Officer (CEO).

If the complainant makes an approach to a Coach, staff member or the CEO, it is desirable that the person also seeks the advice of a Member Protection Officer who has been especially trained for this purpose.

2.2 Where it is not felt appropriate to make an approach to the Pegasus appointed Member Protection Officer, it is recommended that a trained Member Protection Officer working in an allied sport be obtained via the Australian Sports Commission Ethics in Sport Unit.

2.3 Member Protection Officers will:

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- (a) Listen to the complainant in an empathetic, supportive manner
- (b) Inform the complainant about their possible options; and/or
- (c) Act as a support person for the complainant, including supporting them through any mediation process undertaken to resolve the complaint, if the complainant wishes.

2.4 The Member Protection Officer will:

- (a) Keep the matter confidential and only discuss it with those people whom the complainant has authorised them to speak to about the complaint; and/or
- (b) Inform the relevant government authority, if required by law; and
- (c) Consult by seeking advice from the Human Rights Office of the ACT or the ACT Community Health Services Complaints Commissioner, or an alternative relevant third party.

2.5 If the complainant wishes to try and resolve the complaint by mediation, the Member Protection Officer will, in consultation with the complainant, arrange for a trained Mediator to mediate the complaint.

2.6 The Member Protection Officer will access a trained Mediator either through RDAA, Pegasus, the Australian Sports Commission or an alternative Dispute Resolution service.

2.7 The Mediator shall:

- (a) Notify the person complained about that an informal complaint has been made and provide them with details of the complaint; and

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(b) Attempt to mediate a resolution between the complainant and the person complained about.

2.8 If an agreed resolution is reached between the complainant and the person complained about, the complaint shall be deemed to have been resolved and no further action in relation to that complaint may be taken (except for that which is agreed) under this policy.

2.9 If an agreed resolution is not reached between the complainant and the person complained about, the complainant is still entitled to make a formal complaint.

2.10 Nothing in this policy prevents the complainant taking action under State or Federal legislation.

2.11 It is not necessary to provide a written complaint under clause 2.

3 Formal Complaint Resolution Procedure

3.1 In order for a complaint to be dealt with in accordance with this clause, a complaint is, where possible, made in writing. Where the complainant is unable to form a written complaint, assistance should be sought from the Pegasus appointed Member Protection Officer, or a Member Protection Officer within RDAA or within the sports industry. Assistance could also be sought from a Pegasus Coach, staff member or the CEO, however it is desirable that the person also seeks the advice of a Member Protection Officer who has been especially trained for this purpose.

3.2 A written complaint must be made to one of the following people:

(a) The appointed Pegasus Member Protection Officer

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- (b) A Member Protection Officer of RDAA
- (c) The CEO (or in their absence their nominee); or
- (d) The President (or in their absence their nominee) of RDAA.

3.3 Where a written complaint is received, the person receiving the complaint will ensure that the complainant is offered the services of a Member Protection Officer who will offer the services as set out in clauses 2.3 and 2.4.

3.4 If the complainant wishes to proceed to resolve the complaint by formal mediation, the Member Protection Officer will immediately notify the Mediator of RDAA or Pegasus, or source one through the Australian Sports Commission or an alternative dispute resolution service. If an attempt to mediate informally was made under clause 2.5, the Mediator under this clause cannot be the same person.

3.5 The Mediator shall:

- (a) Notify the person complained about, in writing, that a complaint has been made and provide them with a copy of the written complaint
- (b) Attempt to mediate a formal resolution between the complainant and the person complained about.

3.6 If an agreed resolution is reached between the complainant and the person complained about, the complaint shall be deemed to have been resolved and no further action in relation to that complaint may be taken (except for that which is agreed) under this policy.

3.7 If after following the process in clause 3.5 an agreed resolution is *not* reached, the Mediator, in consultation with the complainant and following their wishes, will:

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- (a) Refer the complainant to either Pegasus or RDAA for them to arbitrate or resolve as they see fit
- (b) Refer the complainant to the ACT authority that administers the relevant law (for example, the Human Rights Office of ACT); or
- (c) Close the complaint because that is the wish of the complainant.

3.8 If a complainant withdraws a harassment complaint, no further action in relation to that complaint may be taken (unless required by law) under this policy.

3.9 Nothing in this policy prevents the complainant taking action under State or Federal legislation.

4 Frivolous, Vexatious or Malicious Complaints

4.1 Frivolous, vexatious or malicious complaints are unlawful. If, at any point in the complaint proceedings, it is determined that the complaint was, indeed, frivolous, vexatious or malicious, then the matter will be referred to the either Pegasus or RDAA and the responsible officer will make a determination on the case. Such a determination will always consider referral to the Territory Authority which administers the relevant law (noting that in all jurisdictions such unlawful actions are punishable by fine or jail sentence).