|  |  |  |
| --- | --- | --- |
| C:\Users\HP\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WE6FO21W\SCDLBA logo (3).jpg | **AFFILIATED CLUBS****BUDERIM, COOLUM BEACH, COOROY,** **GLASSHOUSE COUNTRY, HEADLAND PACIFIC, CLUB KAWANA, MALENY,****MAPLETON, CLUB MAROOCHY,****MOOLOOLABA, NAMBOUR, NAMBOUR****HEIGHTS, PALMWOODS, PELICAN****WATERS, TEWANTIN NOOSA, WAVES CALOUNDRA, WOOMBYE, YANDINA** |  |

**SUNSHINE COAST DISTRICT BOWLS ASSOCIATION INC.**

**POLICY 03/23 GRIEVANCE POLICY**

**TABLE OF CONTENTS**

Rule Page

1. APPLICATION 1
2. LODGING A COMPLAINT 1
3. HANDLING PROCEDURE 2
4. APPEALS PROCEDURE 5
5. IMPROPER COMPLAINTS OR VICTIMISATION 5

**Application**

This policy applies to all personnel who represent the Association in any capacity, including the members of the Management Committee, the Patron, the Chairperson and all members of sub-committees, Bowls Queensland delegates, member club delegates and players and officials selected to represent the district in any competition.

This policy shall take effect from the date of the inaugural General Meeting of the SCDBA in 2023 and remain in effect indefinitely.

**Lodging a complaint**

When handling complaints, the Sunshine Coast District Bowls Association (SCDBA) aims to provide a simple, confidential, and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of this policy.

In the first instance, complaints should be reported at the SCDBA Secretary. If a complaint relates to behavior or an incident that occurred at Club level, or involves people operating at the Club level, then the complaint should be reported to and handled by the relevant club in the first instance.

**Page 2.**

Only matters that relate to, or which occurred at, the district level, as well as serious cases referred from the club level, should be dealt with by the district body. All complaints will be dealt with promptly, seriously, sensitively, and confidentially.

**Procedure for handling alleged grievance or complaint**

1. When the Management Committee is advised that a grievance has been lodged, they shall appoint a Tribunal of three (3) representative people to investigate the facts in relation to the matter.
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by relevant nominated official relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. The District Secretary will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:

• that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations;

• the details of the complaint and of all allegations, as well as the provision or clause of any policy, rule or regulation that has allegedly been breached;

• the date, time and venue of the Tribunal hearing;

• that verbal and/or written submissions can be presented at the Tribunal hearing;

• that witnesses may attend the Tribunal hearing to support the position of the respondent/s;

• an outline of any possible sanctions that may be imposed if the complaint is found to be true;

• That legal representation will not be allowed. [The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to the practice as a lawyer or worked as a trainee lawyer.] A copy of any investigation report findings will be provided to the respondent(s).

1. The District Secretary will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:

• that the person has a right to appear at the Tribunal hearing to support their complaint;

• the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching;

• the date, time and venue of the Tribunal hearing;

• that verbal and/or written submissions can be presented at the Tribunal hearing;

• that witnesses may attend the Tribunal hearing to support the complainant’s position;

• that legal representation will not be allowed.

The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.]

1. A copy of the investigation report findings will be provided to the complainant.

If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the relevant nominated official as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.

**Page 3.**

1. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).
2. The following people will be allowed to attend the Tribunal hearing:

• Tribunal panel members;

• the respondent(s);

• the complainant;

• any witnesses called by the respondent(s);

• any witnesses called by the complainant;

• any parent/guardian or support person required to support the respondent or the complainant.

1. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
2. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
3. If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the relevant nominated official of the need to reschedule the hearing and the relevant nominated official will arrange for the Tribunal to be reconvened.
4. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
5. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions. Note: Ensure the Tribunal has the necessary power under your constituent documents to impose disciplinary sanctions.
6. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.

• Reference may be made to brief notes.

• The complainant may call witnesses.

• The respondent may question the complainant and any witnesses.

1. The respondent will then be asked to respond to the complaint.

• Reference may be made to brief notes.

• The respondent may call witnesses.

• The complainant may ask questions of the respondent and any witnesses.

**Page 4.**

1. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
2. The Tribunal may:

• consider any evidence, and in any form, that it deems relevant;

• ask questions of any person giving evidence;

• limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);

• require (to the extent it has power to do so) the attendance of any witness it deems relevant; and

• act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.

1. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.
2. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behavior from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
3. After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated.
4. All Tribunal decisions will be by majority vote.
5. The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision later.
6. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed. 25.
7. Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:

• forward a notice of the Tribunal’s decision to the relevant nominated official, including details of any sanction imposed.

• forward a letter reconfirming the Tribunal’s decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.

1. The Tribunal does not need to provide written reasons for its decision.

**Page 5.**

**Appeals procedure.**

There shall be the right of appeal of the decision of the Complaints Tribunal to an Appeals Tribunal of three (3) persons appointed by the Management Committee to hear the appeal, all of whom shall have the appropriate experience to deal with such matters.

* An appellant must seek leave to appeal against the decision of the Complaints Tribunal by applying to the Management Committee with reasons for the appeal within fourteen (14) days of the decision of the Complaints Tribunal. A Notice of Appeal form is available for this purpose.
* An application for leave to appeal shall be lodged with an appeal fee of $100.00, which will be returned if the appeal is upheld.
* The Management Committee shall decide on whether to grant leave to appeal at the next Management Committee Meeting after the application for leave is submitted.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

**Improper complaints and victimization.**

The SCDBA aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person’s complaint.

If at any point in the complaint handling process at the District or Club level, the relevant governing body considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to their Disciplinary Panel for review and appropriate action, including possible disciplinary action against the complainant.

**Mediation**

BQ aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It 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 relevant bodies as per 6.1 will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to participate in the mediation process.

**THIS POLICY HAS BEEN APPROVED FOR IMPLEMENTATION BY THE SCDBA MANAGEMENT COMMITTEE**

Signed

President SCDBA

Date