

## Complaints Handling Policy

<b>Document Title:</b>	Complaints Handling Policy
<b>Date of Issue:</b>	August 2022
<b>Controlling Body:</b>	Denmark Gymnastics Committee

### 1.0 Background

Denmark Gymnastics recognises its legal responsibilities regarding harassment, discrimination and moral obligations in ensuring appropriate behaviour and providing a safe sporting environment.

### 2.0 Policy Statement

Denmark Gymnastics has the responsibility of ensuring a safe environment for all participants and staff. This means having policies, procedures, rules, standards and guidelines that promote safe programs in a safe environment which are overseen by relevant personnel.

Denmark Gymnastics Complaints Handling Policy will provide individuals with a course of action should they feel their rights are being denied.

### 3.0 Policy scope

This policy applies to all Denmark Gymnastics members, athletes, participants, coaches, committee members, administration staff and volunteers.

### 4.0 Complaints

Denmark Gymnastics aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Natural Justice can be defined in Australia as:

*The accepted notion of natural justice in this country is that everyone is entitled to a decision by a disinterested and unbiased adjudicator (nemo iudex in causa sua or in English, the hearing rule); and that the parties shall be given adequate notice of the case against them, and a right to respond (audi alteram partem or in English, the bias rule).*

Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or sporting organisation has breached this policy or other policies.

A complaint may be reported as an informal or formal complaint (see below 5.0 Making a Complaint). The complainant decides whether the complaint will be dealt with informally or formally unless the MPIO or President considers that the complaint falls outside the parameters of this policy and would be better dealt with another way. All complaints will be dealt with promptly, seriously, sensitively and confidentially. At any stage it is the prerogative of the Complainant to proceed with or dissolve a complaint.

Complaints relating to a breach of the Gymnastics Australia Child Safe Policy shall follow the Complaint Handling Process outlined in the Child Safe Policy located on the Gymnastics Australia website.

## 5.0 Making a Complaint

Denmark Gymnastics takes all complaints in relation to our club seriously. Our club will handle complaints based on the principles of procedural fairness and ensure:

- All complaints will be taken seriously;
- The person whom the complaint is made against (complainee) will be given full details of what is being alleged against them and have the opportunity to respond to those allegations;
- Irrelevant matters will not be taken in to account;
- Decisions will be unbiased; and
- Any penalties imposed will be reasonable.

More serious complaints may be escalated to Gymnastics Western Australia.

**Option 1:** Wherever possible, a person planning to make a complaint (the complainant) regarding a matter, should in the first instance address the problem with the person or people involved (the respondent) if able to do so. *This is the preferred option when making a complaint unless the nature of the complaint is considered serious.*

**Option 2:** If the issue cannot be resolved as per option 1, the complainant can lodge a complaint (verbal or written), formal or informal to the Denmark Gymnastics committee. All complainants can contact the club's MPIO for assistance with making a complaint.

The MPIO will assist the complainant handle a complaint in an appropriate and consistent manner. Talk to a Denmark Gymnastics committee member (preferred) if you:

- Think there is a chance of quickly halting the problem before it develops.
- Are likely to have an ongoing working relationship with the person you are complaining about.
- Want them to talk confidentially to the person you are complaining about.
- Want them to bring you together with the other party to conciliate.
- Want to discuss options and outcomes.
- Need to protect others.

Make a written complaint to a Denmark Gymnastics committee member if you:

- Have tried to resolve the problem and failed.
- Your allegations are deemed very serious.
- Your allegations have been denied and you want to substantiate them.
- You want the complaint investigated.
- You have been victimised for complaining.
- You are complaining against a more senior person and an investigation will help you ensure that you are not disadvantaged.

## 5.0 What to expect when you lodge a complaint (formal or informal)

When a complaint is received by our club, the person receiving the complaint (e.g., President, Coach, MPIO) will:

- Listen carefully and ask questions to understand the nature and extent of the concern;
- Ask how the complainant would like their concern to be resolved and if they need any support;
- Explain the different options available to help resolve the complainant's concern;
- Inform the relevant government authorities and/or police, if required by law to do so; and
- Where possible and appropriate, maintain confidentiality but not necessarily anonymity.

## 6.0 How complaints are resolved

Once the complainant decides on their preferred option for resolution, the club will assist, where appropriate and necessary, with the resolution process. This may involve:

- Supporting the person complaining to talk to the person being complained about;
- Bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- Gathering more information (e.g., from other people involved);
- Seeking advice from affiliated bodies or from an external agency.
- Referring the complaint to Gymnastics Western Australia.

In situations where a complaint is referred to Gymnastics Western Australia and an investigation is conducted, the club will:

- Co-operate fully with the investigation;
- Where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent; and
- Act on our Association's recommendations.

## 7.0 Types of Resolution

**Agreement:** Complaints can be resolved by agreement between the person/s involved.

**Not substantiated:** If there is not enough evidence to decide if the allegations happened or were likely. No disciplinary action will be taken. Denmark Gymnastics may:

- Monitor the situation.
- Consider education and training.

**Disciplinary action:** If there is found to be a breach of our policy or the law, we may discipline those responsible. If a complaint is found to have been false or malicious, we may discipline the person making the complaint. Untrue allegations could lead to legal action for defamation.

The level of discipline will depend on:

- The severity and frequency of the discrimination or harassment.
- The weight of the evidence.
- Whether the behaviour was intentional or malicious.
- Existence of any prior incidents or official warnings.
- Whether there are any mitigation circumstances.

Discipline could involve:

- Counselling.
- Apologising.
- Warning (formal).
- Demotion, suspension or probation.
- Dismissal.
- Disaffiliation.
- Other appropriate discipline measures.
- Referral to authorities for disciplinary actions.

Anyone disciplined will have a record of the complaint and the outcome placed on their employee file.

## 8.0 Vexatious Complaints and Victimisation

Denmark Gymnastics aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the MPIO or Denmark Gymnastics committee considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred elsewhere for appropriate action which may include disciplinary action against the complainant.

Denmark Gymnastics will also take necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping a complaints process. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

## 9.0 Appeals and Tribunals

The complainant or respondent may be entitled to lodge an appeal against a decision made in relation to a complaint (including a decision where disciplinary action was imposed by our club) to Gymnastics Western Australia. Appeals must be based on any right of appeal provided for in the relevant constituent's documents, rules, regulation or by laws.

## 10.0 Confidentiality and Documentation

Denmark Gymnastics treats all personal information relating to complaints in accordance with the law.

## 11.0 Related Policies, Procedures and Forms

*Denmark Gymnastics Record of Complaint  
Form Gymnastics Australia Child Safe Policy  
Gymnastics Australia Member Protection  
Policy*

## 12.0 Review History

Version	Date Reviewed	Date Endorsed	Content Reviewed

Complaints Handling Policy

Responsible Officer: President – Denmark Gymnastics

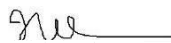
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Prepared by: Jenni Welsh

Signed:



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Approved by: Kym Phillips

Signed:



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