

RSCDS Canberra & District Branch

Guidelines for Complaints Management

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RSCDS Canberra and District Branch

The RSCDS Canberra and District Branch is a not-for-profit community organisation, led by a volunteer committee elected annually by the Branch members. The Branch provides a safe and enjoyable environment for classes and social events for everyone attending its dance activities.

The Branch is committed to fostering an environment where people relate to each other in a friendly, respectful and courteous manner at all times.

Purpose of this document

This document gives an overview of the approach of the RSCDS Canberra and District Branch to the management of disputes pertaining to the organisation. The associated procedure tables specify the detailed steps and actions to be taken by the Committee, by parties to the dispute and other actors, in accordance with:

- the *ACT Associations Incorporation Act 1991*,
- the *ACT Associations Incorporation Regulation 2023*,
- the Branch Constitution
- governance material issued by the RSCDS Society, such as:
 - *Procedures for Managing Misconduct*,
 - *Advice for Teachers, Musicians, Committees and Volunteers*,
 - *Guidelines on Safe Places*, and
 - the Scottish Country Dance Society Etiquette and Code of Conduct

It gives guidance on managing complaints or disputes that arise affecting the RSCDS Canberra and District Branch, which can occur between different parties, including disputes between:

- The Branch and a member(s)
- A member(s) and the Branch
- A member and the Branch Committee
- Members
- A member and a Teacher
- An external person attending a Branch activity and a Branch member /the Branch itself

These guidelines are intended to enable timely and satisfactory resolution for the parties involved.

These guidelines and related procedures apply to incidences and grievances arising in Branch classes, Branch events and programs and other Branch activities.

Commitment by RSCDS Canberra and District Branch

The Branch commits to dealing with these matters promptly, fairly, equitably and in a non-threatening manner towards all parties involved, to progress towards a swift resolution. The Branch acknowledges all members are free to lodge a complaint or grievance.

All matters will be handled in a confidential manner.

The Branch acknowledges any person accused of, for example, inappropriate behaviour, is entitled to be informed of the nature of the accusation and be given the opportunity to respond before any action is taken.

The Branch respects the rights of all parties engaged in resolving the matter.

There is also opportunity during an investigation, for the Committee or the decision maker to decide an allegation is frivolous or vexatious and does not warrant further investigation.

These guidelines are intended for the Branch and its members to reach a fair resolution as quickly as possible for all parties involved. If an informal process is not possible, or does not provide adequate satisfaction, a formal grievance process is provided.

Provisions

In Section 26, under the heading of Discipline, the Branch Constitution provides description and guidance on managing two specific types of behaviour, 'where the Committee is of the opinion' that a member:

- (a) has persistently refused or neglected to comply with a provision of the Constitution and rules of the local association; or
- (b) has persistently and wilfully acted in a manner prejudicial to the interests of the local association.

In these instances, summarising the provisions without detail (detail is provided in the procedure tables), the Committee is able, following a process, to suspend membership rights for a specified period of time, following the passing of a resolution. It allows for representations to be submitted by the member and the right to appeal.

The Constitution also provides for cancellation of membership a member deemed to have not complied with a provision of the Constitution or who is perceived as acting against the interests of the Branch.

These provisions and their designated management do not adequately cover appropriate responses by the Branch Committee in the instances where grievances arise between members of the Branch or a member of the Branch and the broader dance community, for example, at a Branch event. Provisions for these instances are covered in the *ACT Association Incorporation Regulation 2023 (The Regulations)* and are documented in the Dispute tables.

The Branch Constitution, the *ACT Associations Incorporation Act 1991* and the *ACT Associations Incorporation Act Regulation, 2023* are appended or linked to this document.

Informal resolution between the parties

Before any process can be initiated by the Branch, the parties to a dispute must attempt to resolve the dispute between themselves.

An aggrieved or concerned party is, in the first instance, to raise the matter directly with the party(s) involved. It is expected each party will make every reasonable effort to resolve the matter amicably. The aggrieved party is to state the nature of the matter and give the other party an opportunity to respond before proceeding further.

Non Resolution

It is only following an inability to resolve the dispute between themselves that the Committee can become involved. A party to the dispute can request the Committee to assist, however this can only occur if the Committee is not a party to the dispute.

A record is to be kept of such incidences, just as a record is kept of an OH&S incident, and a form is completed. An incident form is attached to these guidelines.

Initiating the dispute resolution process

If the parties to a dispute do not resolve the dispute by agreement between themselves, any party to the dispute may start the dispute resolution process by giving written notice to the Committee.

In the first instance, the matter can be referred to the teacher(s) of the relevant class, or organiser of a social event. In the case of a conversation between the parties and a teacher, the teacher is to inform the Committee of the conversation by written notification.

Any member of the dance community may notify the Committee directly by written notification.

- Unless the Committee's input is explicitly sought, the notification to the Committee is deemed to be 'for information only' and no action is required. A record will be kept of the notification.
- In the case where the Committee's input is sought, where a resolution is not achieved directly between the two parties, the notification must state a request to initiate a formal process and appropriate steps will be implemented.

It is important the Committee is notified of any discussion(s) as this ensures, if there is a request to pursue an incident formally, the Committee is aware of the nature of the grievance and can proceed from an informed position.

Through the principles of respecting difference and individuality, of honesty and collaboration, each party is to enter each stage of the process with the intent to bring about a mutually negotiated resolution. All parties are to agree to and abide by the resolution obtained.

Formal resolution processes

In the case where a satisfactory resolution cannot be achieved between the parties informally, and a request is submitted to the Committee, formal dispute resolution processes will be undertaken.

The associated tables detail the actions to be taken by the Committee and the parties involved. As per the *Regulations*, a 'decision-maker' can be appointed, who may or may not be a member of the Committee. In some circumstances, resolutions can be raised by the Committee and, if carried, can be acted on. The dispute resolution process also provides for mediation to assist in resolving a dispute.

Mediation

If this is requested or decided to be the next step towards resolving the dispute, the Committee can raise a resolution and, if passed, can nominate and engage an external mediation service to work towards further dialogue and negotiation between the parties to the dispute. In this case, all parties are to agree to and abide by the resolution, if one is reached.

Refusal to Participate

Where there is refusal by any parties involved in a matter to participate in these processes, or where there is no resolution, the Committee will decide whether any party is acting in a manner prejudicial to the interests of the Branch.

Agreement to end the dispute

The parties to a dispute may agree to end the dispute at any time. This can occur before the outcome of mediation or any other action or before a dispute decision is handed down. If the parties agree to end the dispute they must give written notice to the Committee of this and the terms of the agreement.

Dispute Decision

When a dispute decision is reached, the parties involved in the grievance are to abide by the decision. The parties have the right to appeal, within certain conditions and timeframes.

Disciplinary Action

If the Committee is satisfied that grounds for disciplinary action exist in relation to a member, the Committee may, by a resolution that is carried, propose to take disciplinary action, in relation to a member's status as a member.

This can include suspension of rights / privileges of membership of the Branch for a specified period. The steps for the process are detailed in the table for Disciplinary action. These actions are set out in Section 26 of the Branch Constitution and align with the *ACT Associations Incorporations Act*.

Right of Appeal

The parties involved in the dispute have the right to appeal against the dispute decision and also against any disciplinary action, within certain conditions and timeframes. The rights of appeal and the steps to be taken in this process are set out in the Appeals table and will be followed by the Committee and the parties involved.

Recordkeeping

A record is to be kept of such incidences, just as a record is kept of an OH&S incident. A form is attached here which can be completed and sent to the Committee.

If notification, or a completed form, is received by the Committee of an incident or grievance, the Committee will note at the next committee meeting that the notification has been received. A register will be kept, which will record the names of the parties involved, the nature of the incident and the date, time and place it occurred.

The notifications received and the register are to be retained in a confidential manner by the Committee.

Incident Form

ROYAL SCOTTISH COUNTRY DANCE SOCIETY (RSCDS)

Canberra and District Branch

GRIEVANCE/COMPLAINT/DISPUTE FORM

Name	
Address	
Contact Details	
Date	
Summary of grievance / Complaint / Dispute	
Summary actions taken to resolve Complaint / Dispute	
Desired Outcome	