



## **Aubonne Netball Allstars Complaints, Dispute Resolution and Disciplinary Procedures**

### **PURPOSE AND SCOPE**

ANA codes of conduct, policies and rules outline the behaviours expected from everyone involved with the club. This document provides a standardised process on how to manage complaints, disputes and breaches of rules and policies that may warrant disciplinary procedures.

The policies and rules which outline the expected behaviours within the club are:


- ANA's Codes of Conduct
- Communications Policy
- Anti-Bullying Policy
- Well-being and Child Protection Policy
- Any others deemed relevant by ANA

### **CASES INVOLVING CHILDREN**

In every instance where under 18s are involved in complaints, disputes or disciplinary cases – whether as the complainant, respondent, witness or in any other capacity – the Wellbeing & Protection Officer (WPO) will be informed immediately and will remain involved and informed throughout the process.

### **COMPLAINTS RELATING TO A BREACH OF POLICY OR RULE**

It is important that unacceptable behaviour is dealt with quickly and appropriately. Therefore it is essential that people know where to go if they want to report a concern or incident.

- Complaints relating to a breach of policy or rule should be set out in writing using the official  Complaints Form .docx and emailed to [aubonnenetballallstars@gmail.com](mailto:aubonnenetballallstars@gmail.com)
- Any concerns relating to under 18s can be raised with ANA's Wellbeing and Protection Officer either in person or via email at [aubonnenetballallstarswpo@gmail.com](mailto:aubonnenetballallstarswpo@gmail.com)

A complaint may be made by:

- any ANA member, staff or volunteer who is aged 18 or over on the date of the complaint;
- the parent or other person with parental responsibility for an ANA member under the age of 18 years of age on the date of the complaint; or
- any member of the general public who has direct contact with ANA in any capacity.



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### **TIME FRAME**

The Complaint Form must be received within 28 days of the alleged breach taking place. Where Complaint Forms are received more than 28 days after the incident, ANA may at their discretion extend this period up to 6 months in any case in which they are satisfied that it was not practicable for the complaint to be made within the usual time limit.

Complaints will be acknowledged on receipt and dealt with as quickly as possible.

### **PROCESS:**

ANA shall be under no obligation to keep a Complaint confidential at any stage.

All Complaint Forms received will be assessed by the ANA Committee for validity.

If the Complaint is deemed invalid, outside of ANA's scope of responsibility, malicious or vexatious, it will be rejected. If the Complaint is rejected, ANA shall be under no obligation to notify the party against whom a Complaint was initially made, either that a Complaint had been made or that it was rejected.

If the Complaint is deemed valid, the ANA Committee may appoint an Investigator who could be internal or external to ANA. The Investigator will inform the Complainant that they are dealing with the matter and that the details of the Complaint will be disclosed to the Respondent. The Respondent will be sent a copy of the written complaint or a summary of the allegations against them and then given 14 days to respond to the allegations in writing.

The Investigator shall be entitled to conduct such investigation into a Complaint as the Investigator sees fit. Ordinarily, contact will be made with the Complainant, the Respondent and all witnesses. The Investigator may request signed statements from relevant parties.

The Investigator shall make a written report which shall include the documentary evidence and a recommendation to the ANA Committee as to whether there is a case for the Respondent to answer or not.

If the ANA Committee confirms a recommendation that there is no case to answer, it will inform the Complainant and Respondent accordingly. There shall be no appeal against a decision that there is no case to answer but a Complaint may be re-examined if further evidence is later forthcoming.

If the ANA Committee confirms a recommendation that there is a case for the Respondent to answer, the Dispute Resolution and Disciplinary Procedures outlined



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below will be implemented. The Complainant will be informed of the action taken in response to their complaint.

### **DISPUTE RESOLUTION AND DISCIPLINARY PROCEDURES**

#### **CRIMINAL OFFENCES**

If the ANA Committee determines that a matter should be dealt with by the police, it will be referred accordingly. Any action under these Dispute Resolution and Disciplinary Procedures may be suspended until the outcome of the police investigation is known.

#### **BREACHES OF COMPETITION RULES AND REGULATIONS**

Umpires deal directly with breaches of the rules of netball and on court issues. Any other match day misconduct, involving persons not directly linked to ANA, should be reported to the event organiser and any other clubs involved.

#### **INFORMAL GRIEVANCE PROCEDURES**

Whenever minor grievances arise, these should be dealt with by way of informal procedures. Informal procedures can include, but are not limited to, face to face discussions, telephone conversations and e-mail correspondence.

The overriding principle in this process is one of sensitivity and respect for the needs and views of all parties, and to always maintain a sense of fairness and conciliation so that the problem is resolved.

The informal stage serves to:

- Protect all parties from further harm, escalation of problems and adverse publicity
- Remind everyone of their ethical obligations as athlete, coach, official, administrator or volunteer
- Allow explanations and re-evaluation of conduct, which might be causing problems often through lack of awareness
- Give out the message that conduct always matters, that complainants, victims and accused persons receive support and care within ANA, and that such matters are taken seriously and are being continuously monitored
- Avoid formal procedures, except in appropriate cases



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### **MEDIATION**

If those concerned in a dispute cannot resolve their differences amicably, the ANA Committee may appoint an independent/neutral mediator (or mediators) to find a solution without resorting to more formal procedures.

All parties will meet, in the presence of the mediator, to air their grievances. The proceedings should be as cordial as possible and not adversarial. All parties should be afforded sufficient time to state their grievance freely and without interruption.

The mediator should listen to each party. They must ensure they are provided with a full and factual account, agreed by all parties if possible, and familiarise themselves with all relevant facts including unbiased witness accounts.

The mediator will make a decision on how the grievance is to be settled directly following the meeting (within 24 hours) and will advise all parties accordingly. The mediator will follow up their verbal decision with a letter to all parties within 7 days of the meeting.

### **FORMAL GRIEVANCE PROCEDURES**

In the event of a serious complaint or disciplinary offence, formal procedures will be adopted. A Disciplinary Panel – ordinarily to be formed by the ANA Committee members - shall have full power and jurisdiction to investigate and impose sanctions as it sees fit. If a complaint or offence directly involves a member of the Committee, an independent/neutral third party will be appointed to take their place on the Disciplinary Panel, which should have a minimum of three people.

The Disciplinary Panel undertakes to be careful and thorough in their consideration of the evidence, remaining free of prejudice or bias to ensure that the decision process is fair. All parties involved will be given the opportunity to present evidence and /or have their version of events heard. Any person named in a complaint will be made aware of the case to be answered and the need to provide evidence in corroboration or rebuttal. They will be given sufficient time to gather evidence in their defence. All evidence considered will be recorded in writing and, where appropriate, signed by the relevant witness.

After considering the evidence, the Disciplinary Panel will provide their decision in writing to the parties involved, giving their reasons for the decision. This decision may include the imposition of sanctions, including but not limited to the following:



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- a verbal or written warning;
- a requirement to provide a written apology;
- a requirement to change current practices;
- a requirement to be supervised whilst participating in ANA activities;
- a requirement to participate in re-training; or
- a suspension or expulsion from club activities.

Any sanctions imposed must be proportionate to the offence. The decision of the Disciplinary Panel is final, with no right to appeal.