

AUSTRALIAN PROFESSIONAL SKATERS' ASSOCIATION INCORPORATED



COMPLAINT HANDLING PROCEDURES AND APPLICATION FORM

PART A - INTRODUCTION

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PART A – INTRODUCTION

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint. Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.

If you wish to remain anonymous, APSA Inc. may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that APSA Inc. is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

PART B – PROCEDURES

INFORMAL APPROACHES

Step 1: Talk with the other person (where this is reasonable and appropriate)

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

Step 2: Contact a Member Protection Information Officer

Talk with one of our Member Protection Officers (MPIO), Complaints Reconciliation Officer or the President if:

- The first step is not possible/reasonable;
- You are not sure how to handle the problem by yourself;
- You want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- The problem continues after you tried to approach the person or people involved.

A list of our Member Protection Officers, Complaints Reconciliation Officer can be found on the APSA Inc. website: www.apsa.net.au

They will:

- Take confidential notes about your complaint;
- Try to find out the facts of the problem;
- Ask what outcome/how you want the problem resolved and if you need support;
- Provide possible options for you to resolve the problem;
- Act as a support person if you so wish;
- Refer you to an appropriate person (e.g. Mediator) to help you resolve the problem, if necessary;

- Inform the relevant government authorities and/or police if required by law to do so;
- Maintain confidentiality.

Step 3: Outcomes from initial contact

After talking with the MPIO, Complaints Reconciliation Officer you may decide:

- There is no problem;
- The problem is minor and you do not wish to take the matter forward;
- To try and work out your own resolution (with or without a support person such as a MPIO); or
- To seek a mediated resolution with the help of a third person (such as a mediator); or
- To seek a formal approach.

FORMAL APPROACHES

Step 4: Making a Formal complaint

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- Make a formal complaint in writing to MPIO or Complaints Reconciliation Officer, Child Protection Officer or the President of APSA Inc. using the Complaints Application form Attachment D2.
- Approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the MPIO, Complaints Reconciliation Officer, Child Protection Officer or President of APSA Inc. will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to appoint a person to **investigate** (gather more information on) the complaint;
- to refer the complaint to mediation;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the MPIO, Complaints Reconciliation Officer, Child Protection Officer or President of APSA Inc. will take into account:

- Whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- Your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- The relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent);
- Whether the facts of the complaint are in dispute; and
- The urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway.

If the MPIO, Complaints Reconciliation Officer, Child Protection Officer or President of APSA Inc. is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- Put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- Decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- Determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy.

Step 5: Investigation of the complaint

- A person appointed under Step 3 will conduct an investigation and provide a written report to the President or Judiciary who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with [Attachment D3] or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with [Attachment D6]
- If the complaint is referred to the police or other appropriate authority, APSA Inc. will use its best endeavours to provide all reasonable assistance required by the police or other authority.

(Any costs relating to the complaint process set out in this Policy (e.g Investigating and/or mediation and/or hearings tribunal) are to be met by the complainant and respondent unless otherwise stated in the relevant Attachment.)

Step 6: Reconsideration of initial outcome/investigation or appeal

If, under the formal complaint process, mediation is unsuccessful, you may request that the MPIO, Complaints Reconciliation Officer, Child Protection Officer or President of APSA Inc. reconsider the complaint in accordance with **Step 3**.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in (Attachment D6).

Step 7: Documenting the resolution

The MPIO, Complaints Reconciliation Officer, Child Protection Officer or President of APSA Inc. will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

EXTERNAL APPROACHES

There is a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

Once an anti-discrimination commission receives a complaint, it will be investigated. If it appears that unlawful harassment or discrimination has occurred, the commission will conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

You could also approach another external agency such as the police.



PART C – APPLICATION FORM

The APSA Complaints Application Procedure is an important function of the Association. Prior to filing a complaint refer to the procedures as set out in the APSA Member Protection Policy located at www.apsa.net.au . To file a complaint you must send to the APSA MPIO, Complaints Reconciliation Officer, Child Protection Officer or the President of APSA the following:

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- An original complaint and two additional copies stating the factual basis for the complaint along with documentation and evidence you feel is necessary to support your complaint.
 - The signature of the party filing the complaint must be under oath, notarized and under penalty of perjury (see 7). This includes the application form, complaint and each supporting document.
 - Please refer to the specific number of the Code of Behaviour / Code of Ethics that you are claiming was violated.
 - Failure to state the specific violation may result in a dismissal of the complaint.
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There is a \$150 filing fee to be made payable to APSA Inc. A copy of your complaint is then sent to the person against whom the complaint has been filed. That person must respond in a timely manner and a copy of their response is then forwarded to you.

After all the filings have been completed, the case will be investigated and a finding made. A notification if the action will be sent to the party filing the complaint and to the party against whom the complaint was made.

The APSA Inc. committee is authorized to change, alter or modify the above rules as occasion may require and to establish a detailed code of behavior to supplement the above basic rules.

To file a complaint, fill out the application below in accordance with the above requirements and send an original complaint and your documentation and an additional two copies along with a \$150 filing fee made out to Australian Professional Skaters' Association Inc. to: The Complaints Reconciliation Officer, APSA, P.O. Box 4138, Macquarie Centre, North Ryde. NSW 2113

Name: _____ Email: _____

Address: _____

Phone: _____ Mobile: _____

Best time to reach you: _____

Filed Against: _____

Violation of Codes of Behaviour / Code of Ethics number: _____

Date: _____ Signature: _____