

## **Policy – Complaints Handling**

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### **Policy Statement**

Croydon Chess recognises that the manner in which complaints are handled is important in order to ensure the well-being of the complainant and to protect the good reputation of the club.

Croydon Chess is therefore committed to providing effective, efficient, fair, prompt and transparent handling of all complaints.

Complainants will be treated respectfully, with confidentiality and with sensitivity.

Complaints will be investigated thoroughly and dealt with according to the merits of the complaint.

### **Policy Scope**

This policy applies to the management of complaints made by both internal parties (club office bearers, members and volunteers) and external parties (visitors to the club and the community generally). Complaints made in accordance with this policy may include:

- breaches of the club's Code of Conduct
- breaches of the club's Constitution (Rules of Incorporation)
- discrimination
- harassment, bullying or intimidation
- emotional, psychological or physical abuse

**IMPORTANT:** this policy does **NOT** apply to management of complaints relating to any kind of abuse involving children, which **must** be referred to the club's child protection policy (currently in preparation) and procedures which have been formulated specifically to address this area.

This policy does also **NOT** override requirements for reporting of incidents of a criminal nature, such as physical or sexual abuse. All complaints alleging such behaviour should be immediately reported to police.

### **Making A Complaint**

Initial access to the complaints process may initially be made via a letter, fax, email, phone call, or in person, to a senior representative of the club (i.e. either to a Committee Member or the President). Once a complaint is formalised however, it **must** be made in writing.

The recipient of a complaint should always keep in mind that complainants typically want:

- to be heard and understood;
- to be taken seriously;
- to be respected;
- to be given an explanation;
- to be given an apology (where appropriate); and
- to get prompt action and resolution

## **Confidentiality**

Written complaints will be usually considered by the club's Committee at their regular meetings.

Those responsible for implementing this policy will keep confidential the name of the complainant and details of the complaint, except where disclosure is necessary as part of the disciplinary or corrective process.

Committee members are obliged to ensure that all information remains confidential and is not disclosed to other club members, volunteers or other parties.

## **Fairness**

The complaint handling process recognises the need to be transparently fair to all parties to a dispute: the complainant, the respondent and the club itself.

The process is broadly based on the parties' right to:

- be heard;
- know whether the club's policies and procedures have been followed;
- provide and access all relevant material needed to support and resolve the complaint;
- be informed of policies and procedures, including options for further review;
- be informed of the response made by the respondent;
- be informed of the club's decisions and the reasons for those decisions; and
- know that the complaint has been subject to independent review

## **External Reporting**

In cases where a complaint is deemed to be serious (e.g. where criminal charges might conceivably arise or where legal action might later be taken) the club's insurance company should be immediately notified of the details of the complaint.

## **Minimising Disputes**

The following general guidelines should be considered for receiving and handling complaints:

- identify yourself, listen carefully and make notes
- check details with the complainant as you write your notes
- get specific details of events (generalities are difficult to investigate)
- be empathetic (without taking sides)
- always be courteous
- don't argue
- don't be defensive
- don't lay the blame on one party or the other
- explain the various courses of action (informal and formal complaints – see below)
- ensure that the complaint is promptly referred to an appropriate authority (President or Committee Member)

## Informal Complaints

A complainant may make an initial, informal approach to the President or a Committee Member in order to discuss a possible complaint. Some information will necessarily be provided in order to clarify the nature of the complaint.

The person approached should clarify whether the complainant is seeking information, assistance with mediation, or simply wishes to talk the matter through to obtain an additional perspective.

Wherever possible, the complainant should be encouraged to first attempt to resolve the matter themselves by speaking directly with the respondent to the complaint. It should be noted that in serious cases, where such an attempt has already been made and has failed, or where the complainant feels unable to deal directly with the respondent without support, such an attempt at early resolution may not be feasible.

If the President or Committee Member approached is unable to act impartially due to any real or perceived conflict (perhaps due to a close friendship with either the complainant or the respondent), he/she should make this known to the complainant and nominate another person who is better placed to assist.

The person chosen as mediator must act in an impartial manner and promote resolution of the complaint through discussion aimed at reaching understanding and agreement.

Respect is to be shown to all parties (complainant, mediator and respondent).

The complaint is still to be considered to be informal at this stage.

## Formal Complaints

A formal complaint may arise independently, or as a result of an informal complaint that has not been successfully resolved. Formal complaints *must* be made in writing and *must* be signed by the complainant. Anonymous complaints will not be considered, due to the inability of the Committee to validate the information received.

Written allegations should then be summarised and provided to the respondent, who will be given an opportunity to reply.

Mediation may be attempted if the Committee deems it to be a suitable method of pursuing resolution and if both parties (complainant and respondent) agree to participate. If necessary, an external mediator may be sought.

If mediation fails or is not feasible, an investigation may be undertaken, with the nomination of a suitable investigator and appropriate methodology to be decided on by the Committee. The investigator will prepare a brief report with recommendations for resolution to be considered by the Committee.

In accordance with natural justice, a copy of the report will be made available to the complainant.

Where allegations relate to criminal misconduct, the Committee may suspend the respondent pending the outcome of the criminal investigation.

## Time Limits

The objective should be to reach a timely resolution of all complaints:

- informal complaints – within three (3) months of date of receipt
- formal complaints – within six (6) months of date of receipt

## **Remedies and Disciplinary Action**

The Committee of Croydon Chess has the initial responsibility and capacity to determine and implement remedies and/or disciplinary action as a result of the investigation of a formal complaint.

Remedies may include actions such as:

- changing club policies and procedures
- issuing of a formal warning
- requirement to undergo counselling
- requirement to issue a formal apology
- imposition of a 'behaviour contract'
- suspension or termination of volunteer services
- suspension or termination of club membership

or other similar forms of action.

## **Internal Appeals**

If either party involved in the complaint chooses to appeal the findings or remedies associated with a formal complaint, a written appeal may be submitted for consideration by a panel comprising Board members not involved in the initial investigation and/or external reviewers.

The appeal panel may endorse the initial report, or may recommend another course of action.

## **External Appeals**

If either party involved in the complaint is dissatisfied with the outcome of the complaints process or an appeal panel finding, they may take the complaint to Chess Victoria and request further investigation:

Kerry Lyall  
Secretary  
Chess Victoria  
PO Box 747  
North Melbourne VIC 3051

Croydon Chess is not necessarily bound by the results of such an external appeal, however the findings of such an appeal will be given careful consideration and due weight by the Committee.

# Definitions

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## **Club**

The club means Croydon Chess Inc.

## **Complainant(s)**

The person or persons initiating the complaint process. They may not necessarily be the person who was affected by the alleged behaviour or decisions of the respondent.

## **Respondent(s)**

The person or persons named in the complaint as having behaved inappropriately.

## **Volunteer**

A volunteer is a person working with or for Croydon Chess whose acts and practices in performing their duties are those endorsed by club.