



Caboolture Basketball Inc COMPLAINT PROCEDURES

Caboolture Basketball Inc. is committed to ensuring that the safety, welfare and wellbeing of children and youth are maintained at all times during their participation in activities run by Caboolture Basketball Inc.

Caboolture Basketball Inc. is not the appropriate body to deal with every off court complaint, grievance or allegation, that may arise.

All employees and volunteers of Caboolture Basketball Inc. are required to report a complaint or allegation of behaviour of a criminal nature, such as physical or sexual assault, theft or property damage immediately to the Queensland Police. Suspicions of disclosure of harm to a child or youth, or evidence of actual harm must be referred to the Queensland Police or Child Safety Services. Complaints of systemic discrimination at Caboolture Basketball Inc. should be referred to the Equal Opportunities Commission.

STEP 1

As a first step you (the complainant) should try to sort out the problem with the person or people involved, if you feel able to do so.

STEP 2

IF:

- the first step is not possible/reasonable; or you are not sure how to handle the problem by yourself; or you just want to talk confidentially about the problem with someone and get some more information about what you can do; or the problem continues after you tried to approach the person or people involved; then
- talk with CBI Registrar (Ph: (07) 5498 6633) or one of Basketball Queensland's Member Protection Officers (MPOs). A list of MPOs can be found on the BQ website. (Ph: 07 3377 9100 Web address: www.basketballqld.com.au)

STEP 3

The CBI Registrar (will liaise with BQ if required) or BQ MPO will:

- take notes about your complaint (which will be kept in a secure and confidential place);
- try to sort 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;
- explain how our complaints procedure works;
- act as a support person if you so wish;
- refer you to an appropriate person to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

After talking with the CBI Registrar or BQ, 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 MPO); or
- to seek an informal mediated resolution with the help of a third person (such as a mediator or a Manager).

Caboolture Basketball will not take any action if a complaint is anonymous. We have to follow the principles of natural justice and be fair to both sides. This means that CBI or BQ or you may be required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond to all the allegations.

STEP 4

If your complaint is not resolved to your satisfaction, you may:

- make a formal complaint in writing to CBI - Registrar, Basketball Queensland's CEO, or MPO; or
- approach a relevant external agency such as an Equal Opportunity Commission or Department of Sport and Recreation, for advice.

STEP 5

If you decide to make a formal complaint in writing under Step 4, the CBI Registrar or BQ representative will, on receiving the formal complaint and based on the material you have provided, 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. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of CBI. In these cases, the CBI registrar or BQ Representative may determine that the complaint does not warrant a formal resolution procedure;
- to appoint a person to investigate the complaint;
- to refer the complaint to an informal or formal mediation session;
- 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 administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the CBI Registrar or BQ Representative will take into account:

- whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;

- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and Basketball Queensland Child Protection Risk Management Strategy January 2007
- the respondent (for example, if one party does not speak English fluently, some of the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted.

If the CBI registrar or BQ Representative is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- 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 whether 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, appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session or a hearings tribunal and/or referring the complaint to the police or other appropriate authority.

STEP 6

If:

- a person is appointed to investigate the complaint under Step 5, the investigator will conduct the investigation and provide a written report to the CBI Board or BQ or Hearings Tribunal who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with Attachment E6 of the Basketball Queensland Child Protection Policy, and referring the complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority;
- the complaint is referred to an informal or a formal mediation session under Step 5, the mediation session will be conducted in accordance with Basketball Queensland's Attachment E2 of the Child Protection Policy or as otherwise agreed by you and the respondent;
- the complaint is referred to a hearings tribunal under Step 5, the hearing will be conducted in accordance with Basketball Queensland's Attachment E5 of the Child Protection Policy.

- the complaint is referred to the police or other appropriate authority under Step 5, CBI and/or Basketball Queensland will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- an interim administrative or other arrangements are implemented under Step 5, Basketball Queensland will periodically review these arrangements to ensure that they are effective.

STEP 7

If, under Step 6, an informal or formal mediation session is conducted, and you and the respondent(s) cannot reach a mutually acceptable mediated solution to the complaint, you may request that the CBI Registrar or Basketball Queensland Representative reconsider the complaint in accordance with Step 5.

You or the respondent(s) may be entitled to appeal where:

- under Step 5, a decision was made by the CBI Board or Basketball Queensland:
 - not to take any action; or
 - to take disciplinary action; or
- under Step 6, a decision was made by the CBI Board, Basketball Queensland or hearings tribunal:
 - not to take any action; or
 - to take disciplinary action.

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within Caboolture Basketball or Basketball Queensland, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

STEP 8

The CBI Registrar or BQ representative will document the complaint, the process followed 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 procedure

There may be a range of external options available to you 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 equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is

inappropriate, the complaint may go to a formal hearing where a finding will be made as to whether unlawful harassment or discrimination occurred. 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.

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages. If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an MPO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

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