

# **BEAUMONT BOWLING CLUB**

## **MEMBER PROTECTION POLICY – PROCEDURES**

### **Responding to Complaints – Internal Resolution**

#### **1. Administration**

- 1.1 The Board of Management (BOM) has power under the Club's Constitution to discipline members found to have engaged in undesirable conduct towards other members.
- 1.2 The BOM will undertake the appointment of a standing panel of Club members to act as Member Support Advisors ("MSAs").
- 1.3 The role of any MSAs selected from the panel by the Board, in respect of any particular complaint, is to assist in the guidance, management, investigation and potential resolution of complaints at an informal level, and reporting to the Board, whilst also informing complainants of their rights to access external avenues of dispute resolution via Bowls SA complaint procedures.
- 1.4 In selecting MSAs from the panel to deal with a particular complaint, the BOM will take into account (but will not be bound by) the wishes of the complainant for the selection of a preferred panel member or members.
- 1.5 The BOM may elect, in its discretion, to deal with a complaint directly rather than by utilising the MSA panel.
- 1.6 If a complaint is received against a BOM member, that member should be excused from any BOM meeting during the time when the complaint is considered.

#### **1.2 Principles of internal complaint handling**

- 1.2.1 A member complaint about undesirable conduct is to be initiated by the lodgement with the BOM Secretary of a Member Protection Policy Confidential Complaint Form (refer **Annexure B**).
- 1.2.2 All complaints will, at the request of the complainant, be investigated and, wherever possible, the MSAs will try and help the parties resolve the complaint by discussion and agreement. All complaints will, as far as possible, be kept confidential (BOM excepted) and will not be disclosed without the complainant's consent except if the law requires disclosure or if disclosure is necessary to

effectively deal with the complaint. The MSAs may have difficulty assisting the resolution of the complaint if the complainant wishes to remain anonymous.

1.2.3 Our Club will handle complaints based on the principles of procedural fairness (natural justice), that is:

- all complaints will be taken seriously;
- both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story);
- an administrative decision must be based upon logical proof, not on mere speculation or suspicion;
- the judging authority must be impartial and able to make a decision based on a balanced and considered assessment of the information.

1.2.4 The respondent shall be granted the presumption of innocence unless and until evidence proves otherwise on a balance of probabilities i.e., more likely than not.

1.2.5 If the complaint relates to physical abuse, sexual assault or other criminal activity, then our Club may need to report the behaviour to the police and/or relevant government authority.

1.2.6 Conduct should not be deemed “undesirable” if it arises from legitimate and reasonable:

- BOM action;
- BOM processes;
- team selection decisions
- BOM disciplinary action; or
- allocation of activities in compliance with established Club systems.

### **1.3 Complaint Handling Process – Internal Resolution**

1.3.1 When a complaint is received by our Club, the MSAs will:

- (a) listen carefully and ask questions to understand the nature and extent of the problem;
- (b) ask what the complainant would like to happen;
- (c) explain the different options available to help resolve the problem;
- (d) take notes; and
- (e) maintain confidentiality but not necessarily anonymity.

1.3.2 Once the complainant decides on their preferred option for resolution, the MSAs will assist, where appropriate and necessary, with the resolution process. This may involve:

- (a) supporting the complainant to talk to the person being complained about (the respondent);
- (b) bringing all the people involved in the complaint together to talk objectively through the problem (this could include internal or external mediation);
- (c) gathering more information (e.g. from other people that may have seen the behaviour);
- (d) seeking advice from our regional, state and/or national body.

1.3.3 If, after investigation, a complaint of Undesirable Conduct, in the opinion of the MSAs, has merit, and has not been resolved to the satisfaction of the complainant, the MSAs will refer the complaint and the MSA findings to the BOM for disciplinary action.

1.3.4 If, after investigation, a complaint of Undesirable Conduct is determined by the MSAs to be unproved or to have no merit, the complainant will be so informed in writing. In that case the complainant has the option to either:

- (a) accept the decision; or
- (b) apply to Bowls SA for a hearing (see clause 1.4 below).

#### **1.4 Complaint Handling Process – External Resolution**

It is open to the complainant or the Club at any time during the internal complaint handling process to access the Bowls SA complaint handling procedures as set out in the Bowls SA Member Protection Policy, specifically: PART D COMPLAINT HANDLING PROCEDURES. Refer to **Annexure A** for a flow chart which explains the relationship between the Club's internal procedures and the process to access the external intervention of Bowls SA. If the complainant, or the Club, accesses this external process, the Club's internal procedures shall be immediately halted pending a resolution by Bowls SA.

## **2. Disciplinary Measures**

2.1 In the event that the MSAs finds a complaint to have merit, they will refer the matter to the BOM for disciplinary action. Where the BOM is of the opinion that a member has engaged in conduct deemed by the BOM to be undesirable, the BOM is empowered under the Constitution to:

- (a) censure the member
- (b) expel the member from membership of the Club for a specified period; or

(c) expel the member from the Club.

2.2 Any disciplinary action imposed by the BOM will take into account:

- ❖ the nature and seriousness of the breach of this Policy;
- ❖ the impact of the conduct on the complainant;
- ❖ whether the respondent knew or should have known that the behaviour was a breach of this Policy;
- ❖ the level of contrition and the likelihood of further breaches;
- ❖ if there were relevant prior warnings or prior disciplinary action.

2.3 For the avoidance of doubt, although the findings of the MSAs should be influential, the BOM is not bound by the findings of the MSAs in forming its opinion regarding undesirable conduct.

2.4 And as an alternative to the actions specified in the Constitution, the BOM may choose, with the cooperation of the respondent, to impose other forms of discipline, including:

- a direction that the individual makes a verbal and/or written apology;
- a written warning;
- a direction that the respondent attend counselling to address their behaviour;
- a withdrawal of any awards, placings, achievements bestowed in any of the Club's tournaments, activities or events;
- a demotion or transfer of the respondent to another location, role or activity; and
- in the case of a coach or official, a recommendation that the relevant organisation de-register the accreditation of the coach or official for a period of time, or permanently.

### 3. Definitions

The following words have the corresponding meaning in the Member Protection Policy and these Member Protection Policy Procedures:

**Abuse** means any type of behaviour (including physical, emotional/psychological, sexual, and inappropriate use of power and/or process) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in-person or by Communication.

**Bowls** includes the Club's sporting activity, the carrying out of the Club's Volunteer works by volunteer members and the social interaction between members arising from their membership of the Club.

**Bullying** means the inappropriate use of power, against someone or a group of people intended to, or causing, distress and risk to their wellbeing, whether in-person or by Communication.

**Communication** means the delivery, to the complainant and/or other members of the Club, of data, text or images either in writing or by electronic means, including, without limitation, by letter, email or social applications such as Facebook or Instagram.

**Constitution** means the Constitution and Rules of the Club (as amended from time to time).

**Discrimination** includes both direct and indirect discrimination (either in-person or by Communication) which have the following meaning:

- (a) 'direct discrimination' occurs where, because a person has a Protected Characteristic, they are treated less favourably than a person without that characteristic would be treated in the same or similar circumstances.
- (b) 'indirect discrimination' occurs where a practice, rule, requirement or condition that applies to everyone disadvantages people with a Protected Characteristic and the practice, rule, requirement or condition is not reasonable in the circumstances.

**Harassment** means behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment, whether in-person or by Communication.

**Member** means any financial (paid up) member of the Club of whatever classification.

**MSAs** means one or more of the panel of Club members appointed by the BOM from time to time to assist when a complaint of undesirable conduct is received.

**Protected Characteristic** means:

- (a) age
- (b) disability
- (c) race or ethnicity
- (d) sex
- (e) sexual orientation or gender identity or
- (f) religion.

**Sexual Misconduct** means:

- (a) sexual harassment, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and

(b) behaviour that may constitute a sexual offence that is unlawful.

**Undesirable Conduct** means (without limiting the meaning of the words in the Constitution) the conduct described in Clause 2 of the Member Protection Policy.

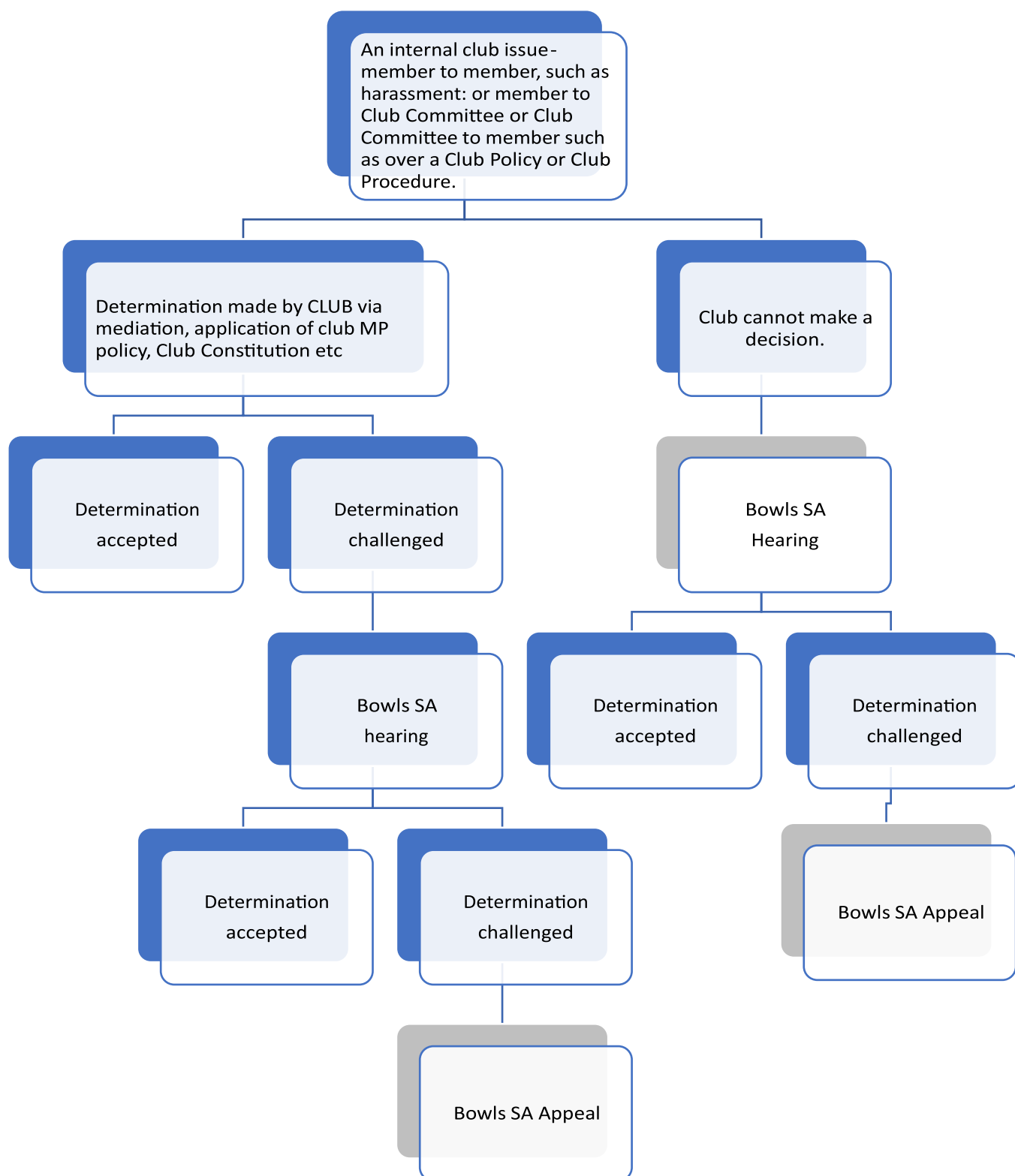
**Victimisation** means subjecting a person, or threatening to subject a person, either in-person or online, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint, report or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.

**Vilification** means a public act, conduct or behaviour, either in-person or online, that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a Protected Characteristic they hold, as covered by applicable legislation.

**END**

## A GUIDE FOR ADMINISTRATORS:

### FLOWCHART FOR MEMBERS ISSUES – MATTERS TO GO TO BOWLS SA.



**BEAUMONT BOWLING CLUB**  
**MEMBER PROTECTION POLICY**  
**CONFIDENTIAL COMPLAINT FORM**

**TO: The Secretary, Board of Management, Beaumont Bowling Club**

I am a member of the Club, and I wish to lodge a formal complaint against another Club member pursuant to the Member Protection Policy and the Member Protection Policy Procedures. I provide the following preliminary information.

|   |  |
|---|--|
| <b>Name of Complainant:</b>                                 |  |
| <b>Name of person (s) complained against:</b>               |  |
| <b>Broad description of conduct complained about:</b>       |  |
| <b>Date (s) of conduct complained about:</b>                |  |
| <b>Preferred Member Support Officer to assist (if any)?</b> |  |

(sgd).....

Date:.....