



Hornsby Junior Rugby Union Football Club



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COMPLAINTS PROCEDURE

A Complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this Policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, the Hornsby Junior Rugby Union Football Club (HJR UFC) provides a step-by-step complaint procedure that people may use/enter at any stage.

If at any point in the complaint process a member of HJR UFC Committee considers that a Complainant has knowingly made an untrue Complaint or the Complaint is vexatious or malicious, the matter will be referred to the HJR UFC Committee for appropriate action.

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.

If the Complainant wishes to remain anonymous, the HJR UFC can't assist the Complainant to resolve the Complaint. The HJR UFC has to follow the principles of Natural Justice and be fair to both sides. This means that the HJR UFC or the Complainant may be required to provide the Respondent with full details of the Complaint so they have a fair chance to respond to all the allegations.

At any point during the complaints procedure the Complainant may file a formal written Complaint to the Gordon Junior Rugby Club Incorporated (GJRC)

Step 1 — Person to person

The Complainant should try to resolve the problem with the person or people involved if the Complainant feels able to do so.



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Step 2 — Talking with HJRUF

If the first step was not practicable, or did not achieve resolution of the problem, or the Complainant would like to talk confidentially about the problem with someone and get some more information about what they can do, the Complainant should talk with The President or Vice President(s) of the HJRUF.

The President or Vice-President will:

- take notes about the Complaint (which they will keep in a secure and confidential place); Plus any details of the points below, viz options, explanation of the procedure and get the complainants 'Yes' as to understanding the process, who referred to etc.
- try to sort out the facts of the problem;
- ask what outcome how the Complainant wants the problem resolved and if the Complainant needs support;
- provide possible options for the Complainant to resolve the problem;
- explain how the complaints procedure works;
- act as a support person if the Complainant so wishes;
- refer the Complainant to an appropriate person(s) to help the Complainant resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

Step 3 — Complainant's options

After talking with the President or Vice-President, the Complainant may decide:

- there is no problem or the problem is minor and the Complainant does not wish to take the matter forward;
- to try and work out their own resolution (with or without a support person such as the President or Vice-President);



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- to seek an informal mediated resolution with the help of a third person (such as a Mediator or a Manager):
- make a formal Complaint in writing to the GJRU detailing the particulars of the Complaint: or
- approach a relevant external agency such as an equal opportunity commission, for advice.

Step 4 — Formal Complaint

If the Complainant decides to make a formal Complaint in writing under Step 3, GJRC will, on receiving the formal Complaint and based on the material the Complainant has provided, decide whether they are the appropriate entity to receive and handle the Complaint. If they are not, they will promptly refer the Complaint to the Sydney Junior Rugby Union (SJRU) and advise the Complainant who the Complaint has been referred to.

Wherever possible, Complaints should be handled by the Complainant's Rugby Body (being that Rugby Body whom the Complainant usually plays for, is a member of or is otherwise connected to). If that Rugby Body is unable to deal with the Complaint, it should refer the matter to the Rugby Body of which it is a member.

The appropriate Rugby Body will, to the extent that these steps are necessary:

- obtain full information from the Complainant about the Complaint and how the Complainant wants it resolved (if this information has not already been obtained through earlier steps);
- put the information they've received from the Complainant to the person/people complained about and ask them to provide their side of the story;
- decide whether they have enough information to determine whether the matter alleged in the Complaint did or didn't happen;
- determine what, if any, further action to take - this action may include:
 - referring the Complaint to a mediation session
 - referring the Complaint to a Conduct Committee or



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- referring the Complaint to the police or other appropriate authority (the Rugby Body will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority); and
- decide whether to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed (the Rugby Body will periodically review these arrangements to ensure that they are effective).

In making the decision(s) outlined above, the Rugby Body will take into account:

- whether the person handling the Complaint has 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;
- the Complainant's 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 the Complainant 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 Conduct Committee. Relevant factors may include an actual or perceived power imbalance between the Complainant and the Respondent, the nature of any ongoing working relationship between the Complainant and the Respondent, and the personal attributes of the Complainant and the Respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- the nature and sensitivity of any information or other material that must be provided by the Complainant, 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 the Complainant will be subject to further unacceptable behaviour while



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the complaint process set out in these Procedures is being conducted.

If a mediation session is conducted, and the Complainant and the Respondent(s) cannot reach a mutually acceptable mediated solution to the Complaint, the Complaint will be referred to the relevant Rugby Body's Conduct Committee.

Step 5 - Appeal

The Complainant or the Respondent(s) may be entitled to appeal where a decision was made by the Rugby Body or the relevant Rugby Body's Conduct Committee 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 the Complainant, or if the Complainant believes it would be impossible to get an impartial resolution within the Rugby Body, the Complainant may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

Step 6 — Documentation

The Rugby Body will document the Complaint, the process followed and the outcome in the form Record of Complaint set out at Attachment A. This document will be stored in a confidential and secure place.

External procedure

There may be a range of external options available to the Complainant depending on the nature of the Complaint. If the Complainant feels that they have been harassed or discriminated against, the Complainant can seek advice from the State or Territory equal opportunity commission without being obliged to make a formal Complaint. If the commission advises the Complainant that the problem appears to be a type of Harassment that comes within its jurisdiction, the Complainant 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



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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.