

Complaints Policy



PONY CLUB
WESTERN AUSTRALIA

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REVIEW HISTORY

Version	Date Approved	Review Date	Content reviewed/purpose
1.0	28 June 2017	June 2020	

PART A: COMPLAINTS POLICY

1. PURPOSE

This Complaints Policy sets out the procedure Pony Club WA will follow when dealing with complaints.

2. WHO IS BOUND BY THIS POLICY

This policy applies to the following people who are involved with the activities of Pony Club WA at a state, zone or club level, whether they are in a paid or unpaid/voluntary capacity:

- a) members, including Individual Members, Member Clubs and Life Members of Pony Club WA;
- b) riders, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Pony Club WA;
- c) any other person including parents/guardians and spectators accompanying riders or teams;
- d) Pony Club WA Board directors;
- e) persons appointed or elected to state committees, panels or task forces, and zone or club committees and sub committees;
- f) support personnel appointed or elected to state, zone and club teams and squads (e.g. managers, chaperones and/or coaches);
- g) employees of Pony Club WA; and
- h) any third parties providing services on behalf of Pony Club WA.

This policy will continue to apply to a person even after he or she has stopped their association or employment with Pony Club WA, if disciplinary action against that person has commenced whilst he or she was associated with or employed by Pony Club WA.

3. POLICY PRINCIPLES

- a) People bound by this Policy have a right to lodge a complaint when they are dissatisfied with membership services and experiences provided by Pony Club WA.
- b) Complaints are treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- c) The complaint process is managed with fairness and equity.
- d) The principles of natural justice and procedural fairness are adopted at every stage of the process.
- e) All complaints are acknowledged in writing and finalised as soon as practicable.
- f) In the interest of confidentiality, the number of people involved in the resolution process is kept to a minimum.
- g) Victimisation of complainants, respondents or anyone else involved in the complaint resolution process will not be tolerated.
- h) The outcomes of complaints are fed into continuous improvement initiatives where appropriate.

- i) The Complaints Policy is publicly available.
- j) Any reasonable costs relating to the complaint process set out in this policy (e.g. investigation, mediation, Dispute Committee hearing) are to be met by Pony Club WA, the Member Club, Zone or Individual Member as determined by the Board.

4. TYPE OF COMPLAINTS

Pony Club WA categorizes complaints into three types of complaints:

- i) member protection complaints;
- ii) competition complaints; and
- iii) general complaints.

Pony Club WA has a different complaint handling processes for each type of complaint. Please refer to the Complaint Handling Flowchart on page 9.

4.1 Member Protection Complaints

Complaints involving discrimination, harassment and abuse are classified as member protection complaints and are dealt with under Pony Club WA's Member Protection Policy. The Member Protection Policy addresses the following issues:

- a) child protection;
- b) taking images of children;
- c) anti-discrimination and harassment;
- d) intimate relationships;
- e) pregnancy;
- f) gender identity;
- g) responsible service and consumption of alcohol;
- h) smoke-free environment;
- i) bullying;
- j) social networking; and
- k) breaches of the Codes of Conduct.

Please refer to Pony Club WA's Member Protection Policy for complaints of this nature.

4.2 Competition Complaints

Competition complaints are complaints that arise from Pony Club WA competitions. This includes, but is not limited to:

- a) incorrect results;
- b) missing scores;
- c) rules of competition;
- d) eligibility of horse or rider;
- e) irregularities or incidents during a competition;

- f) conduct of officials; and
- g) conduct of participants.

These complaints are dealt with at the competition according to the event rules or the Pony Club WA Handbook.

Competition complaints that concern processes, rather than the outcome or result of a competition, are dealt with by the relevant Sports Committee in the first instance. If the complaint cannot be resolved by the Sports Committee, a formal complaint may be lodged as a general complaint.

4.3 General Complaints

Any complaint that is not covered by the Member Protection Policy or deemed to be a Competition complaint, is a general complaint. General complaints include, but are not limited to;

- a) breach of procedure;
- b) unresolved conflict;
- c) conflict of interest;
- d) bringing, or acting in a manner likely to bring, Pony Club WA, zones, clubs or members into disrepute;
- e) Member Protection Information Officer referral; and
- f) Sports Committee referral.

5. RECORDS MANAGEMENT

Records of all complaints are maintained securely. Records of complaints include:

- a) the complaint;
- b) how the complaint was dealt with; and
- c) the outcome of the complaint.

6. ASSOCIATED DOCUMENTS

- a) Member Protection Policy
- b) Handbook
- c) Sport Rules
- d) Dispute Committee Policy
- e) Discipline Policy

PART B: GENERAL COMPLAINTS

1. INTRODUCTION

Pony Club WA is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

2. GENERAL COMPLAINT PROCEDURE

2.1 Initial Steps

If a person has a complaint, he or she is encouraged to try to resolve the matter with the person concerned in the first instance. If this is unsuccessful, the person may wish to speak to a Club official or contact Pony Club WA in an effort to resolve the matter informally.

If it is not possible to resolve the matter informally, the person may wish to make a formal complaint in writing to the Chief Executive Officer (CEO).

2.2 Formal Complaint Process

Pony Club WA adopts the principles of natural justice and procedural fairness when handling complaints, and is committed to having a transparent complaints process which is outlined below.

It is the responsibility of the complainant and respondent to prepare their submissions to Pony Club WA. It is not the role of Pony Club WA staff to advise the parties how to prepare or present their submissions or to provide legal advice.

1. Complaints are to be made within 5 business days of the incident.
2. A formal complaint must be lodged in writing using the Complaints Form to the CEO. Additional information can be added to the Complaints Form.
3. The CEO will acknowledge receipt of the complaint in writing as soon as practicable after it has been received.
4. The CEO will consider if he or she had any personal involvement in the circumstances and if so whether it is appropriate if someone else should handle the complaint. If it is appropriate that someone else should handle the complaint, he or she will follow the same process outlined below.
5. The CEO may:
 - a) appoint a person to investigate the complaint;
 - b) refer the complaint to an informal or formal mediation session;
 - c) refer the complaint to the Member Club, Zone or Sports Committee; and/or
 - d) refer the complaint to the police or other appropriate authority.
6. If the CEO decides that a complaint should be investigated, the following steps will be followed.
 - a) An Investigator will be appointed, commonly the Pony Club WA Complaints Officer.
 - b) The complainant may be interviewed and the interview documented in writing.

- c) A copy of the complaint, and any accompanying material, will be provided to the respondent. The respondent will be asked to provide a written response to the complaint within 5 business days.
 - d) The respondent may be interviewed and the interview documented in writing.
 - e) Statements from witnesses and other relevant evidence will be collected, as necessary, in order to assist in a determination.
 - f) The Investigator will make a finding as to whether the complaint is:
 - i) substantiated (there is sufficient evidence to support the complaint);
 - ii) inconclusive (there is insufficient evidence either way);
 - iii) unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - iv) mischievous, vexatious or knowingly untrue.
 - g) The Investigator will provide a report to the CEO documenting the complaint, the investigation process, the evidence and any findings and recommendations.
 - h) The CEO will consider the Investigator's report and recommendations and will determine the outcome of the complaint and what, if any, further action is warranted. This action may include, referring the complaint to:
 - i) an informal or formal mediation session;
 - ii) a Dispute Committee hearing; and/or
 - iii) the police or other appropriate authority.
 - i) The findings of the investigation and the CEO's decision will be communicated to the complainant and the respondent.
7. If the CEO decides that a complaint should be referred to mediation, the following steps will be followed.
- a) Pony Club WA will appoint an appropriate mediator to mediate the complaint. The mediator will be an independent person in the context of the complaint; however, this does not preclude a person with an association with Pony Club WA acting as mediator.
 - b) The mediator, in consultation with the complainant and respondent, will choose the procedures to be followed during the mediation.
 - c) The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent to pursue an alternative process if the complaint is not resolved.
 - d) If a resolution is reached at mediation:
 - i) the mediator will prepare a document that sets out the agreement reached between the complainant and respondent and it will be signed by them as part of the agreement; and
 - ii) no further action may be taken under this Policy (except by agreement between the parties).

- e) If the complaint is not resolved by mediation, the complainant may request the matter be referred back to the CEO and the complaint will proceed in accordance with Step 5 above.
8. If the complainant or respondent is not satisfied with the decision he or she can appeal the decision to the Dispute Committee (see Disputes Policy).

Complaint Handling Flowchart

