

Procedure Name	Hervey Bay City Bridge Club (HBCBC) Complaints, Grievances and Misconduct Procedure (CGMP)
Head of Power	Associations Incorporation Act 1981 (Section 47) HBCBC Constitution Section 12 Hervey Bay City Bridge Club (HBCBC) Complaints, Grievances and Misconduct Policy
Version Control	Endorsement HBCBC Management Meeting (12/04/2023)

## Managing Complaints

This procedure outlines the steps to be taken to resolve complaints, grievances and allegations of misconduct received by HBCBC.

Investigations will follow the principles of natural justice, including providing each party a fair hearing and ensuring evidence is assessed based on credibility, reliability, and sufficiency.

### Procedure Complaints, Grievance or Misconduct

#### *1: Complaint received*

- a) Complaints, grievances or reports of misconduct can be received in writing. Members of the Management Committee ('Committee') receiving a complaint should refer it to the Management Committee President ('President') for action.
- b) The correspondence will be acknowledged within three (3) working days.

#### *2: Assessment and initial actions*

- a) On receipt of a complaint, grievance or misconduct the President will make an initial assessment. Should the issue concern the President, the Vice President will make the initial assessment. The assessment process will:
  - i. Determine the elements and any potential breach of Rules or By-Laws.
  - ii. Identify if it is a complaint, grievance, or misconduct.
  - iii. Consider any conflict-of-interest concerns.
- b) The President or Vice President may consult the Committee and refer it to a Sub-Committee if required.
- c) The President, Vice President or Sub-Committee can undertake initial inquiries.
  - i. Review known facts and any documentary evidence available.
  - ii. Present the outcomes of the review to the Committee for consideration and action.
  - iii. The review outcomes should include any findings and recommendations.
- d) Should the President, Vice President or Sub-Committee determine further inquiries are necessary.

- i. They will ask the Complainant's permission to share information with the Subject of the complaint.
- ii. If permission is denied by the Complainant, the President, Vice President or Sub-Committee will prepare a summary of the complaint for the Subject to respond to.

### *3: Disruptive behaviour and insubstantial matters*

- a) Under Section 4 (d) of the Policy 'no further action' may be taken for an issue assessed as not relating to HBCBC; involving a complaint more than 6 months old; and when a complaint lacks substance, is trivial, vexatious, frivolous, or not made in good faith.
  - i. If no further action is necessary a letter will be sent to the Complainant explaining the decision.
  - ii. The Subject of the complaint may not be advised if the complaint is deemed frivolous, vexatious, not in good faith and dismissed without further action.
- b) Disruptive behaviour during play or in the Club should be dealt with by the Director of the Day.
  - i. Any player leaving a session before its conclusion without offering an explanation to the Director, or arranging for some-one else to explain on their behalf, may be suspended from sessions until the next Management Committee meeting.
  - ii. Persistent disruptive behaviour may be referred to the Committee.
  - iii. Referral to the Committee is at the Director's discretion.

### *4: Dealing with Non-Urgent Complaints, Grievances, or Misconduct (do not need immediate resolution or are unlikely to result in disciplinary action)*

- a) If the matter is non-urgent the Committee can investigate based on written submissions only.
  - i. The Committee will advise the Subject and the Complainant of the decision to progress using written submissions.
  - ii. Both parties will be invited to provide written submissions.
  - iii. The Committee or a delegated Sub-Committee may seek additional information, including face to face interviews or documentary evidence, if required.
- b) A Sub-Committee can be formed to review submissions and provide a report to the Committee.
  - i. The final decision must be endorsed by the Committee through a vote.
  - ii. Personalised letters will be sent to both the Complainant and Subject outlining the decision.
  - iii. Correspondence between the Committee and the Complainant or Subject are confidential and will not be disclosed further.
- c) As outlined in Section 12 of the Constitution a member charged and notified in writing with a breach of the Rules or By-Laws has the right of answering the complaint by appearing before the Committee.

*5: Dealing with Urgent Complaints, Grievances and Misconduct (require immediate resolution or are likely to result in disciplinary action)*

- a) On receiving an urgent complaint, grievance or report of misconduct, a Special Committee meeting of Committee members will be held as soon as possible (within 7 days) to discuss management of the issue.
- b) The Committee may appoint individual members or form a Sub-Committee to manage the investigation.
  - i. With appropriate approval, both the Subject and the Complainant, will be advised of the investigation.
  - ii. The Complainant or Subject may appoint a person to act on their behalf if they so choose.
  - iii. The Complainant will be asked to provide any additional information about their complaint in writing or verbally.
  - iv. The Complainant may bring a support person to any face-to-face meetings.
  - v. The Subject, having been advised of the allegations, may provide a written or verbal response.
  - vi. The Subject may bring a support person to any face-to-face meetings.
  - vii. A support person provides emotional support, takes notes, or requests breaks during a meeting. The support person does not take part in discussions or speak on behalf of the Complainant or Subject.
- c) The Committee may interview additional persons able to provide information relevant to the investigation.
- d) The Committee may collect further information in relation to the investigation, including documentary evidence or witness statements.
- e) A written record of meetings with the Complainant, Subject or witnesses will be made.
- f) At the conclusion of the investigation a written report will be provided to the Committee. The report will include:
  - i. scope of the investigation,
  - ii. facts uncovered in the investigation,
  - iii. if the allegations were substantiated or unsubstantiated, and
  - iv. recommended actions.
- g) The final decision, endorsed by the Committee through a vote, will be sent individually to both the Complainant and Subject in writing.
- h) Correspondence between the Committee and the Complainant or Subject are confidential and will not be disclosed further.

*6: Additional steps when dealing with Gross Misconduct (incidents of fraud, theft, sexual assault or behaviour that threatens the safety, health and reputation of members, are injurious or prejudicial to the Club or Association; or involve serious indictable offences)*

- a) A Special Committee meeting of the Management Committee will be held as soon as possible.

- I. Given the serious nature of an allegation of gross misconduct the Committee may engage legal advice regarding liability.
  - II. In clear cases of criminality (theft, fraud, assault), the Committee may make a police referral.
  - III. If a police referral is required all investigative activities will cease and the Committee will cooperate fully with any requests from police.
- b) If the Special Committee meeting determines the matter is disciplinary (harassment or failure to comply to Rules or By-Laws) the investigation will comply with the investigation standards set out in Section 5 b-g.
  - c) If the Subject is found to have committed gross misconduct, they will be advised in writing of the nature of the gross misconduct, the disciplinary provisions being applied, and the appeals process.

#### 8: Appeals

- a) A Member found to have breached the Rules or By-Laws or engaged in misconduct or gross misconduct has the right to an appeal.
- b) As outlined in Section 12 of the Constitution a member charged and notified in writing with a breach of the Rules or By-Laws has the right of answering the complaint by appearing before the Management Committee.
- c) Pending the determination of such appeal the member shall be allowed all the Membership privileges accorded to their class of Membership.
- d) No Member shall commence any action against the Club, the Management Committee (collectively or individually), or against any Club Member until all processes provided by the Rules, By-laws or the avenues of appeal to the Committee and Special General Meeting have been exhausted.
- d) A Member found guilty of an offence has the right to request the Secretary call a Special General Meeting of the Club for the purpose of dealing with the appeal.
- e) If the Secretary receives a notice of intention to appeal, the Secretary must, within 14 days after receiving the notice, call a Special General Meeting to decide the appeal and allow 14 days' notice of the General Meeting to participants as per Section 27 of the Constitution.
- f) An appeal to the Special General Meeting should:
  - ii) allow the appellant to present their case to the Special General Meeting and the Management Committee to present the grounds for their decision;
  - iii) the Special General Meeting will hold a secret vote, for or against the appeal, with a majority vote being needed to resolve the matter;
  - iv) the President or Chair has the deciding vote in the event of a tied vote; and
  - v) the decision of that meeting will be final.