



**Ice Hockey Western Australia
Complaints Procedures 2016**

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Contents

1. Purpose	3
2. IHWA Ethics Framework.....	3
3. Who is bound by this Procedure	3
4. Confidentiality	3
5. External organisations	4
6. Anonymous complaints	4
7. The four steps complaints procedure for IHWA	4
Step 1: Informal resolution – speak directly with the other person (the respondent)	4
Step 2: Informal resolution: seek assistance from an MPIO at the club level.....	4
Step 3: Formal resolution: club executive considers the complaint	5
Step 4: Formal Resolution: complaint lodged with IHWA	5
8. Documenting the resolution.....	6
9. Handling allegations of child abuse	6
9.1 Department for Child Protection – reporting suspected child abuse.....	7
9.2 Procedures for reporting suspected child abuse	7
10. Version control	9

1. Purpose

Ice Hockey Western Australia aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent).

The lowest level at which a matter can be dealt with shall always be preferred. Therefore, if a complaint relates to behaviour or an incident that occurred at the:

- club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club MPIO in the first instance.
- state level or involves people operating at the state level, then the complaint should be submitted to the State Secretary in the first instance.

A complaint may be dealt with informally or formally. All complaints will be dealt with promptly, seriously, sensitively and confidentially. Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

2. IHWA Ethics Framework

IHWA have adopted the following ethics framework by which members are accountable in their behaviour and conduct or actions:

- Member Behaviour Policy 2016
- IHWA Complaints Procedures 2016
- IHWA Codes of Behaviour and Ethics 2016
- IHWA Working with Children Guidelines 2016
- IHWA Communication Policy 2016
- IHWA Record Keeping Policy 2016

3. Who is bound by this Procedure

This procedure applies to members whether they are in a paid, unpaid (voluntary) capacity:

- All registered members and volunteers in any capacity of the State Association
- All volunteers who assist member associations in any capacity

4. Confidentiality

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. Please note that procedural fairness (natural justice) means that IHWA is required to provide the person/people you have complained about with a summary of the complaint so they have a fair chance to respond.

In complaints relating to child safety or criminal allegations related matters do not contact the alleged offender, refer it to the club/ state MPIO or the relevant authorities and follow procedures in section 9)

5. External organisations

There are a range of other options available depending on the nature of a complaint. If a complainant is of the opinion that they have been harassed or discriminated against, they can seek advice from the [WA Equal Opportunity Commission](#) (WA EOC) without being obliged to make a formal complaint. If the Commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the Commission.

Once a complaint is received by the WA EOC, it will investigate. If it appears that unlawful harassment or discrimination has occurred, the commission will conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The Commission 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.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an Member Protection Information Officer - MPIO) as a support person throughout the process.

You could also approach another external agency such as the police.

6. Anonymous complaints

If you wish to remain anonymous, IHWA may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that IHWA is required, other than in the case of child safety complaints, to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

7. The four steps complaints procedure for IHWA

Step 1: Informal resolution – speak directly with the other person (the respondent)

In the first instance, the complainant should try to sort out the problem with the person or people involved (respondent) if they feel able to do so. This is the best possible outcome in complaints management.

Step 2: Informal resolution: seek assistance from an MPIO at the club level

Talk with the club MPIO if:

- the first step is not possible/reasonable;
- the complainant is not sure how to handle the problem by themselves;
- the complainant wants to talk confidentially about the problem with someone and obtain more information about what options they have; or
- the problem continues after the complainant tried to approach the person or people involved.

On receiving a complaint a club MPIO will assess if they hold a conflict of interest in regards to dealing with the complaint. If so they may refer the member to another association MPIO.

When dealing with a complaint the club MPIO will:

- take confidential notes about the complaint;
- try to find out the facts of the problem by contacting the respondent;

- ask what outcome/how the complainant want the problem resolved and if they need support;
- provide possible options for the complainant to resolve the problem;
- act as a support person if the complainant so wishes;
- inform the relevant government authorities and/or police if required by law to do so;
- maintain confidentiality.

After talking with the Club MPIO the complainant may decide:

- there is no problem;
- 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); or
- to seek a the help of the MPIO to facilitate a resolution; or
- to seek a formal approach through writing to the club executive.

Step 3: Formal resolution: club executive considers the complaint

A complaint received by a club executive or committee must undertake to resolve the complaint in line with their constitution. They:

- will write to the parties and inform them they have received a complaint and that they are investigating the complaint.
- may seek to interview parties, ask for supporting documentation and then undertake a decision in regards to the information they have at hand.
- They may consider mediation or other remedies with the agreement of parties.
- Will write to all parties with the outcome and any sanctions that may be imposed in line with their constitution or rules of association. There may be some ability to appeal a decision made by the executive or committee as part of the constitution of that club. These processes should be followed if parties wish to further pursue the complaint.

Step 4: Formal Resolution: complaint lodged with IHWA

If parties wish to further pursue the complaint the complaint may:

- make a formal complaint in writing to IHWA's Executive or State MPIO,
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the IHWA Executive will 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 by the Executive;
- to appoint a person to investigate (gather more information on) the complaint and make a finding;
- to refer the complaint to the State MPIO to assist parties to resolve the matter
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, IHWA Executive will take into account:

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;

- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that parties may be subject to further unacceptable behaviour while the complaint process is underway.

In most cases the Executive will seek to refer a complaint to the State MPIO.

In this case the State MPIO will:

- take confidential notes about the complaint;
- try to find out the facts of the problem by contacting the respondent;
- ask what outcome/how the complainant want the problem resolved and if they need support;
- provide possible options for the complainant to resolve the problem;
- act as a support person if the complainant so wishes;
- inform the relevant government authorities and/or police if required by law to do so;
- maintain confidentiality.

After talking with the State MPIO the complainant may decide:

- there is no problem;
- 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); or
- to seek a the help of the MPIO to facilitate a resolution; or
- to seek a formal approach through the state executive.

If IHWA Executive determines it is the appropriate to handle the complaint they will, to the extent that these steps are necessary:

- will write to the parties and inform them they have received a complaint and that they are investigating the complaint.
- may seek to interview parties, ask for supporting documentation and then undertake a decision in regards to the information they have at hand.
- Will write to all parties with the outcome and any sanctions that may be imposed in line with their constitution. There may be some ability to appeal a decision made by the executive or committee as part of the constitution of that club. These processes should be followed if parties wish to further pursue the complaint.

8. Documenting the resolution

IHWA will document the complaint, the process and the outcome.

The complaint will be document and stored in a confidential and secure place in line with the *Record Keeping Policy 2016*.

9. Handling allegations of child abuse

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in IHWA in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities.

9.1 Department for Child Protection – reporting suspected child abuse

If you are concerned about a child's wellbeing, contact the Department for Child Protection's [district office closest to where the child lives](#) or the [Crisis Care Unit after hours](#) on (08) 9223 1111.

If you believe a child is in immediate danger or in a life-threatening situation, contact the Western Australia Police immediately by dialing 000.

If you make a report or disclose relevant information to the Department for Child Protection, there is legislative protection for the notifier. These are:

- Protection of identity - with some exceptions, your identity must not be disclosed without your consent. For further information, refer to section 240 of the *Children and Community Services Act 2004*.
- Legal protection – you are not subject to legal liability under State law providing the information is provided in good faith.
- Professional protection – authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result you cannot be disciplined by your professional body or incur any formal professional negative consequences at your workplace.

When you contact the Department, the Duty Officer will gather and record information that you provide and decide how best to respond. The type of information that the officer will gather includes:

- details about the child/young person and family
- the reasons you are concerned
- the immediate risk to the child
- whether or not the child or family has support
- what may need to happen to make the child safe
- your contact details, so that the officer can call you to obtain further information if required or to provide feedback.

You do not need to have all the details about the child or family when you contact the Department for Child Protection.

For more information: <http://www.dcp.wa.gov.au/ChildProtection/>

9.2 Procedures for reporting suspected child abuse

Step 1 – Initial Receipt of an Allegation

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that a member:

- Stay calm;
- Listen, be supportive and do not dispute what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;
- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- **Do not contact the alleged offender.**

Step 2 – Report allegations

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency (**see section 9.1**). You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is any doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- Report the allegation to the President of IHWA or State MPIO so that they can manage the situation (e.g. contact the parents following advice from the authorities and deal with any media enquiries).

Step 3 – Protect the child and manage the situation

- The IHWA President or MPIO will assess the risks and take interim action to ensure the child's/children's safety. Action may include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The IHWA President or MPIO will consider the kind of support that the children and parents may need (e.g. counselling, help lines, support groups).
- The IHWA President or MPIO will address the support needs of the alleged offender.
- The IHWA President or MPIO will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 – Internal action

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
 - Criminal (conducted by police)
 - Child protection (conducted by child protection authority)
 - Disciplinary or misconduct (conducted by IHWA)

Irrespective of the findings of the child protection and/or police inquiries, IHWA will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.

- The decision-maker(s) will be the Board of the IHWA Executive and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined within of this procedure will be followed.
- If disciplinary action is taken, IHWA will advise and provide a report to the relevant government authority should this be required.

10. Version control

Version	Date	Changes
1	25 February 2016	Initial procedure for consultation
1.1	1 April 2016	Incorporation of feedback