

## 6.6 Complaints Handling

Reference: SOA\_6.6PP – Complaints Handling Policy and Procedure

### 1. POLICY STATEMENT

Special Olympics Australia is committed to ensuring anyone associated with our organisation is able to make complaints without fear of retribution and to have it handled in a fair and timely manner. Where it involves an individual with a disability, Special Olympics Australia is committed to ensuring that their perspective is heard and considered. At all times, people with a disability are treated respectfully, courteously and sensitively.

We recognise and promote the rights of people with disability, their families, carers or others to tell us if they have concerns about Special Olympics Australia; the actions or decisions of our staff or volunteers; or our practices, policies or procedures.

In handling complaints, Special Olympics Australia will ensure that confidentiality is maintained and that the person making a complaint is provided with appropriate support.

### 2. PURPOSE

The purpose of this policy is to support the objectives of:

- outlining how Special Olympics Australia manages complaints and what can be expected from the process.
- ensuring athletes with an intellectual disability are able to understand the complaints handling process and understand their rights to have someone such as a family member or advocate to assist them.
- maintaining confidentiality and privacy unless otherwise required by law.
- ensuring complainants are aware of alternative complaint handling bodies if they are not satisfied with how their complaint has been handled or do not feel comfortable talking to Special Olympics Australia.

### 3. SCOPE

The policy is applicable to all athletes, volunteers and staff of Special Olympics Australia.

This policy should be read in conjunction with the Member Protection Policy which includes the Code of Conduct. The policy is not designed to address issues relating to:

- staff or volunteer work-related problems or concerns which must be raised using the Workplace Grievance policy.
- alleged criminal activity such as fraud must be referred directly to the Chief Executive Officer.
- suspicions or alleged abuse of an adult should follow the Responding to Abuse of an Adult policy.
- suspicions or alleged abuse of a child should follow the Responding to Abuse of a Child policy.

### 4. DEFINITIONS

#### Complaint

A complaint is any written or verbal statement outlining a problem or concern with anything or anyone related to Special Olympics Australia activities.

#### Human Rights

Special Olympics Australia acknowledges that people with disability have the same fundamental human rights as any other person. We acknowledge that those who participate in sport are athletes first, and we respect their individual cultural and lifestyle choices.

## 5. RESPONSIBILITIES

### **Chief Executive Officer**

The Chief Executive Officer is responsible for responding as necessary to escalated complaints and reserves the right to initiate external investigations as needed.

### **Club Vice-Chair**

In most clubs the Vice-Chair is the designated person responsible for managing complaints. In the first instance if a non-serious complaint cannot be resolved informally between the parties it is the role of the Vice-Chair to intervene and attempt resolution. The Vice-Chair can then choose to escalate the complaint to the next person in the complaint's handling process, or conclude the issue and log the complaint in the official national register. It is not the role of the Vice-chair to deal with serious complaints.

If a particular club does not have a Vice-Chair, or it has been deemed appropriate, an alternative person can be identified to fill the role of managing complaints. The club will ensure this individual is trained in complaints handling and understands Special Olympics Australia complaints policies and procedures. Individual clubs will provide the name of the most appropriate person in this circumstance.

### **Member Protection Information Officer**

Member Protection Information Officers (MPIO's) play an important role in sport. They provide information and guidance on complaints procedures. MPIO's are the 'go to' person if you want to discuss problems you may experience with Special Olympics Australia, particularly if you are considering making a formal complaint.

MPIO's must remain impartial at all times, it is not their role to mediate or investigate complaints. MPIO's cannot provide an opinion on who may be right or wrong in an incident, as this would compromise impartiality.

The MPIO role is able to do the following:

- provide impartial information to those involved in the complaint process including the complainant and the accused
- inform and advise complaint handlers about the Member Protection Policy
- notify the complainant or the person who the complaint is about of their rights and responsibilities in the complaints process
- provide information about what can be expected from Special Olympics Australia
- provide information about the role of other bodies or agencies involved in the complaints process, for example the police if relevant
- explain the role of external advocacy or legal supports, and provide relevant contact information

### **National Complaints Officer**

This position is held by a staff member at the central office. This staff member is trained in managing complaints and understands the relevant state and territory obligations regarding complaints handling. The National Complaints Officer is responsible for managing the complaints register and handling all escalated complaints from the State. If the complaint is of a serious nature the complaint will escalate directly to the National Complaints Officer.

The National Complaints Officer is responsible for notifying the Chief Executive Officer of all serious complaints, but may also choose to involve the Chief Executive Officer in other complaints if deemed necessary.

### **National MPIO Coordinator**

The National MPIO Coordinator is responsible for managing an active list of MPIO's that provides support for each state. The National MPIO Coordinator is responsible for actively engaging the MPIO's in relevant support, training and ongoing development.

### **State Vice-Chair**

If a complaint cannot be resolved at club level and requires escalation, the relevant State Vice-Chair should be the next step in the complaints process. The State Vice-Chair is responsible for responding to the complaint and

attempting resolution. If the issue involves the alleged abuse or neglect of a child then it must be dealt with immediately by the National Complaints Officer.

## **6. PROCEDURE**

### **6.1 Handling a Complaint**

The following should be read in conjunction with the complaint process map for handling serious and non-serious complaints found at the end of this policy.

#### **6.1.1 Pre-Complaint**

Wherever possible, we encourage athletes, staff, coaches and volunteers to talk about and resolve concerns directly with the other party where appropriate. A MPIO can also be contacted at this stage to provide information and guidance.

Both parties to the complaint have a responsibility to resolve the issue and to seek and accept realistic outcomes to prevent the escalation of conflict where possible. If the concerns remain unresolved or are of a nature that demands some form of intervention, then a complaint may be considered.

#### **6.1.2 Informal Complaint**

Informal complaints are usually handled at the club level and can often be quickly resolved.

They may raise issues that:

- are usually encountered in the course of everyday interactions – for example, a misunderstanding between two individuals during training or competition
- issues between individuals at a committee meeting
- involve minimal or no risk to a person's safety or well-being.

Depending on the seriousness of the informal complaint, options for resolution may include:

- self-resolution by discussing the issue with the other party directly and coming to an agreed resolution in an open and respectful manner.
- assisted resolution by seeking to resolve the issue with the help of the complaints handler or an agreed independent person from within the club. The goal is to assist both parties with resolving possible misunderstandings, miscommunication or lack of clarity concerning the issue.
- mediation can be considered where other informal options have not resolved the issue. A trained mediator may be engaged to assist both parties to a complaint explore the possibility of reaching agreement by exploring the issues in a structured way.

Once informal options have been genuinely attempted, or the concern has become persistent or serious, then formal complaint procedures may be considered.

#### **6.1.3 Formal Complaint (non-serious)**

Formal complaints should be dealt with at the lowest appropriate level within the organisation. For example, complaints relating to issues or individuals within the club should be handled first by the relevant Club Vice-Chair (or nominated club complaints officer), who has the delegated authority to deal with formal complaints. It is preferred that issues are resolved at this level, however if they cannot be resolved the issue can then be escalated through to the State Vice-Chair and eventually the National Complaints Officer.

A non-serious formal complaint may include issues that:

- require more detailed investigation;
- breach of Code of Conduct
- allege a breach of the law,

- are matters that could not be resolved informally;
- are matters that the complainant requests be formally dealt with.

Depending on the seriousness of the formal complaint, options for resolution may include:

- intervening with a meeting to seek a mutually acceptable resolution.
- initiating an internal investigation conducted by the relevant complaint handler to establish and document relevant facts, reach an appropriate conclusion based on the available evidence and determine a suitable response. Possible outcomes of an investigation where allegations have been substantiated may include disciplinary action, a warning or caution, or request for resignation of role.

#### **6.1.4 Serious Complaint**

Serious complaints are handled by the National Complaints Officer based at the central office, who will also notify the Chief Executive Officer.

A serious complaint may raise issues that involve:

- serious misconduct by staff, athletes, volunteers or others when involved with Special Olympics Australia activities;
- serious or significant risk to a person participating in Special Olympics Australia related activities;
- a suspicion or allegation of abuse of a child or adult;
- a breach of duty of care;
- a breach of privacy;
- may have the possibility of legal action.

The National Complaints Officer may conduct an internal investigation or initiate an independent external investigation of the complaint with the approval from the Chief Executive Officer.

#### **6.2 Anonymous Complaints**

If a complaint is received anonymously (with no means of identifying the complainant or their contact details), it will be assessed by the National Complaints Officer to determine if it raises systemic issues that Special Olympics Australia should act on.

Where potential system improvement opportunities can be recommended from the anonymous complaint then this can put forward to the relevant manager for consideration.

Anonymous complaints cannot be actioned within the complaints handling process.

#### **6.3 Third Party Complaints**

Where a third party makes a complaint on behalf of another individual, Special Olympics Australia:

- does not assume that the third party is authorized to act on behalf of the individual;
- seeks the consent of the individual to deal with the third party on their behalf;
- considers the privacy implications of releasing information to the third party; and
- does not release any information without the individual's consent to the release, or the consent of their substitute decision-maker.

Where the individual does not agree to the third party to act on their behalf and does not seek to pursue a complaint regarding the issue then no action will be taken by Special Olympics Australia. Consideration will be given to whether broader system improvements by way of processes, procedures, policies and practices can be considered with the information provided.

#### **6.4 Trivial and Vexatious Complaints**

Special Olympics Australia complaint handlers must exercise caution when deciding if a complaint is trivial, vexatious, frivolous or made in bad faith. In this case you should consult the National Complaints Officer before deciding not to accept the complaint. Some factors which may be taken into account are:

- whether the complainant has made a number of complaints about the same issue, which the club, state or central office has already addressed.
- if the complainant is seeking to revisit the same issue after determination, when no new evidence is forthcoming.
- if the complaint is based on false statements of facts.

Where it is clear that these factors apply, then the National Complaints Officer will write to the complainant to advise that Special Olympics Australia is unable to take any further actions to address their concerns. The complaint is also logged in the Special Olympics Australia Complaints Register and noted as vexatious.

### **6.5 Reasonable Assistance**

If required, we assist people who wish to raise a concern or make a complaint about Special Olympics Australia. For example:

- where the person making a complaint speaks a language other than English and/or does not speak or understand English well, they should be offered the opportunity to access the Telephone Interpreter Service (TIS) on 131 450 to assist with the taking down of the details of the complaint.
- if a person making a complaint has a hearing or speech impairment, they should be offered the opportunity to access the National Relay Service on 133 667 in order to obtain Relay Officer assistance.
- if a person is from an Aboriginal background, cultural and language factors may affect how comfortable they feel about making a complaint – therefore, additional culturally appropriate support may be required.
- where a person has problems with literacy, they will be assisted with preparing a written account about their complaint.
- non-verbal athletes – we note changes in the athlete's behaviour, their preferences and choices. An individual's non-compliance to an activity may be a form of a complaint.

### **6.6 Complaint Form**

The Special Olympics Australia Complaint Form (attached to this policy) is used to record details about the nature of a complaint, the action taken by Special Olympics Australia to resolve it, and its outcome. The form is encouraged to be used by all involved in Special Olympics Australia complaints handling wherever possible.

### **6.7 Complaint Register**

Details of all informal, formal and serious complaints and outcomes are documented in the Special Olympics Australia Complaints Register, no matter how minor the issue may be. The Register is maintained by the National Complaints Officer.

### **6.8 Complaint Timeframes**

Where a complaint is received in writing, or where a verbal complaint has not been resolved on the spot, Special Olympics Australia will:

- acknowledge all complaints within five working days of receipt - either by telephone or in writing to the complainant;
- respond to informal complaints in writing within five working days;
- if an informal complaint cannot be resolved within five days, the issue will be escalated to the relevant next person;
- provide information to the complainant about the MPIO role within 24 hours of a serious allegation or formal complaint;
- for formal complaints or serious allegations, contact the complainant and provide an update on the investigation process within 10 working days if not already closed off.

- follow-up with a complainant within one month of their complaint having been resolved.

Where these timeframes are not achievable, Special Olympics Australia will advise the complainant of the estimated length of time it may take to resolve the complaint, and a timeframe for further update. Attempts will also be made to resolve complaints earlier where the issues raised are particularly serious or potentially damaging to Special Olympics Australia's reputation.

### **6.9 Protecting Privacy and Confidentiality**

Special Olympics Australia must generally, unless otherwise required by law, protect the privacy and confidentiality of records about complaints, and this involves:

- providing appropriate, secure storage of complaint files and records;
- restricting access to any individual complaint record to those staff involved in the handling of that particular complaint; and
- ensuring that complaint handling practices comply with Special Olympics Australia's obligations to protect privacy and personal information under the Privacy and Personal Information Protection Act 1998.

### **6.10 Complaint Outcomes**

A complaint is resolved when it is settled or concluded and all of the parties are notified of the outcome. The remedies generally available to Special Olympics Australia in response to a complaint include:

- providing the complainant with an explanation and reasons for what has occurred – this may include giving them a copy of a complaint investigation report;
- reaching a compromise solution;
- upholding the complaint and taking action to fix it – for example, by overturning a decision, apologising, or providing a service not previously provided;
- taking steps toward improvement – for example, by policy change, improving a sporting activity, providing volunteers and coaches with training;
- dismissing the complaint – for example, if Special Olympics Australia action accords with legislation and our policies and procedures.

When seeking to resolve complaints, Special Olympics Australia is mindful that the human rights of our athletes are not compromised. We take into account what the resolution is seeking to achieve; whether it raises any human rights issues; whether any human rights are limited by the proposed resolution; and whether there are any other less restrictive ways to achieve the resolution.

## **RELATED DOCUMENTS**

SOA Guideline on handling complaints  
SOA\_3.2PP - Supported Decision Making  
SOA\_6.3PP - Code of Conduct  
SOA\_6.5PP - Member Protection Policy  
SOA\_6.9PP - Privacy  
SOA\_9.4PP - Workplace Grievance

## **DOCUMENT CONTROL**

Version number: SOA\_6.6PP v1.0  
Owner: General Manager, People and Culture  
Approved Date: 9 October 2017  
Next scheduled review: 1 July 2021