

Policy No: GQM-PO-003	Issue Date: November 2016	Version: 2.0
Policy Title: Member Protection – Complaints Handling Policy		

1 Introduction

Based on the principles and standards of behaviour established in the Code of Conduct, Life Saving Victoria (LSV) is committed to fostering productive and harmonious work environments that are free of all forms of bullying, discrimination, harassment, victimisation and racial and religious vilification.

2 Purpose

The purpose of this policy is to provide definitions including a definition of grievance and harassment and to establish the principles for complaints to be raised and resolved.

The document is not intended to supplement or replace existing resolution processes, including complaints made against officers of LSV in the course of fulfilling their formal roles and under the direction of a council, committee or executive.

3 Scope

This policy applies to;

1. Persons appointed or elected to boards, committees and sub-committees;
2. Volunteers;
3. Support personnel;
4. All members, including life members

4 Relevant Legislation and Related Material

Applicable Federal and State Human Rights and Equal Opportunity, Anti-discrimination, Racial and Religious Tolerance, and Occupational Health and Safety Legislation.

LSV Safeguarding Children and Young People Policy (Pending)

LSV Social Media Policy

LSV Occupational Health and Safety Policy

SLSA Member Protection Policy 6.05

SLSA Privacy Policy 6.02

LSV Constitution

SLSA Regulations

This policy should also be read in conjunction with:

1. Your Club Constitution
2. Life Saving Victoria's Complaints Handling Process
3. Life Saving Victoria By Law 5
4. Other reference documents as noted in Section 8 of this Policy Document

4.1 Safeguarding Children and Victorian Child Safe Standards

LSV is committed to providing a safe environment for children and young people (people under the age of 18) to enjoy lifesaving. This commitment is represented in LSV's Commitment Statement and Behavioural Guidelines. Any matters that relate to children and young people will be given priority and referred to the appropriate club officer or LSV delegate for immediate attention.

Allegations or disclosure of child abuse or neglect will be automatically reported to government authorities, according to mandatory reporting legislation and brought to the attention of the CEO.

5 Abbreviations & Definitions

Abbreviations & Definitions	
Abuse	Abuse means physical abuse, emotional abuse (including psychological abuse), sexual abuse, and abuse of power that has caused, is causing or is likely to cause harm to a person’s wellbeing or development. Examples of Abuse include but are not limited to, Bullying, humiliation, verbal abuse and insults, Grooming, Harassment (including Sexual Harassment), Discrimination, Neglect and Sexual Exploitation.
Bullying	<p>Behaviour that is intentional, harmful, repetitive and reflects an abuse of power. Bullying behaviours can be physical (hitting, kicking, pushing), verbal (teasing, threatening), or relational (social exclusion, harming friendships, spreading rumours). It is worth noting that while some behaviours may be rude or inappropriate, they may not qualify as bullying.</p> <p>Where repeated or occurring as part of a pattern of behaviour, the following are examples of behaviour which could be considered to be bullying:</p> <ul style="list-style-type: none"> • aggressive and intimidating conduct • abusive, insulting or offensive language or comments • belittling or humiliating comments • victimisation • spreading malicious rumours • practical jokes or initiation • exclusion from club-related events • withholding information that is vital for effective performance • unreasonable expectations including for example setting unreasonable timelines, constantly changing timelines, or setting tasks that are unreasonably below or beyond a person’s skill level • denying access to information, supervision, consultation or resources to the detriment of the member.
Complainant	An individual who makes a complaint.
Complaints or Grievances	Are issues or concerns that may stem from an act, omission, decision or situation that is perceived to be unfair, unjust or unsafe (physically and/or psychologically) and in some cases, illegal and that cannot be resolved through day to day communication

Abbreviations & Definitions	
Club Member Protection Officer (MPO)	A volunteer role within the club, who has received training in member protection matters and procedures responsible for supporting member protection and wellbeing. MPO's are trained to investigate and manage complaints and moderate mediation conferences.
Club Officer	Any appointed Club committee member can and has a responsibility to respond to inappropriate behaviour if it is brought to their attention or witnessed. Depending on the circumstance, they can counsel a member directly and informally or refer to the Club MPO to initiate a systematic process.
Discrimination	<p>Occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.</p> <p>In Australia, it is against the law to discriminate against someone because of:</p> <ul style="list-style-type: none"> • age • disability • family/carer responsibilities • gender identity/transgender status • homosexuality and sexual orientation • irrelevant medical record • irrelevant criminal record • political belief/activity • pregnancy and breastfeeding • race • religious belief/activity
Harassment	<p>Uninvited, unwelcome behaviour, which a reasonable person could anticipate would create intimidation, humiliation or offence for other person(s) in those particular circumstances. This behaviour may include, for example, physical contact; verbal comments; jokes; propositions; the display of offensive material; lewd gestures; ostracism by an individual or group; mockery through ridicule, name-calling or insulting or dismissive gestures; denigrating another person by means of rumour based on hearsay; not providing information critical to a person's ability to do their job; and other behaviour that creates an unpleasant work environment. Harassment is also unlawful under State/Territory and Federal anti-discrimination and safety legislation.</p> <p>Harassment may also constitute sexual harassment.</p>

Abbreviations & Definitions	
Sexual Harassment	<p>Any unwelcome sexual behaviour which is likely to offend, humiliate or intimidate. It has nothing to do with mutual attraction or friendship.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • unwelcome physical touching • staring or leering • suggestive comments or jokes • unwanted requests to go out on dates • requests for sex • emailing pornography or rude jokes • sending sexually explicit texts • intrusive questions about your private life or body • displaying posters, magazines or screen savers of a sexual nature.
LSV Member Protection Officers	<p>Are volunteers that are experienced in club operations and have received training in member protection matters and procedures. LSV MPO's, who are members of the LSV Member Protection Panel can investigate and manage complaints and conduct interviews, where necessary.</p>
Mandatory Reporting	<p>Legislative requirements imposed on specific classes of persons to report suspected cases of Child Abuse and Neglect to government authority.</p>
Neglect	<p>The persistent failure or deliberation failure or denial to provide the child with the basic necessities of life. Such Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, emotional neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect.</p>
Procedural Fairness	<p>A process that is fair to all parties, provides a right to be heard (and an opportunity to respond) and is free of bias.</p>
Third Party Mediation	<p>The mediator acts as a neutral third party and facilitates rather than directs. Mediation is the attempt to help parties in a disagreement to hear one another, to minimise harm and to find a way of preventing the issue from interfering with the process of seeking a compromise or mutually agreed outcome.</p>
Victimisation	<p>Treating someone less favourably because they have made a complaint or lodged a grievance.</p>

6 Policy

Every person in lifesaving has the right to participate in an environment that is safe, fair and inclusive and to be treated with respect and dignity. All members should enjoy uninhibited participation and good relationships with each other according to the terms of membership and affiliation to SLSA.

An important part of working relationships is that everyone must be able to work or volunteer in an environment free from harassment and bullying. LSV prohibits all inappropriate conduct that constitutes bullying, discrimination and/or harassment of any kind.

Disciplinary action will be taken in respect of proven instances of bullying, discrimination or harassment, including, where appropriate, termination of membership.

Members should feel safe and comfortable in their club, sport or on patrol. All members should reflect and heed SLSA & LSV values in consideration of any complaint.

Where complaints arise within clubs, LSV encourages people to resolve them early and informally through discussions with the other party or parties with guidance from an MPO, if required.

However, a more formal process will be required where this approach does not succeed or where it is not comfortable for the Complainant or appropriate given the nature, seriousness or complexity of the complaint.

LSV's formal complaints process is set out in the Member Protection Complaints Handling Process. It enables people to raise their complaints safely with the most appropriate person at that time and have them resolved in a timely manner, with due regard for confidentiality, sensitivity and procedural fairness.

Where investigation is required the information will be referred to the Club MPO or LSV MPC and procedural fairness will apply.

The Club and LSV will take all necessary steps to ensure that no victimisation occurs against anyone who makes a complaint.

6.1 Principles

- It is essential that members try to resolve differences with each other in the first instance. If unsuccessful, the Club's MPO should be the first contact utilising the club's dispute resolution process.
- All complaints will be taken seriously. If a complaint is found to be vexatious, malicious or frivolous then it may result in disciplinary action against the complainant.
- All parties to the complaint will be afforded Procedural Fairness.
- All complaints will be treated confidentially by all parties to the complaint and to the resolution process. Any breaches of confidentiality may result in disciplinary action.
- All complaints will be resolved in a timely manner, as circumstances allow.
- All complaints will be handled in a courteous and respectful manner and any person who lodges a complaint will not be victimised.
- Appropriate records will be kept.

6.2 What this policy does not cover

LSV employee issues will be managed by LSV management within policy and the employee review process.

Disputes or issues between or with a volunteer State Officer will be managed by the relevant Director in the first instance and managed within the requirements of the role description.

Formal complaints between clubs will be resolved by the committee relevant to the issue.

Club Governance issues that cannot be resolved by the relevant committee will be referred to the CLC who will determine the resolution method

Matters that are likely to constitute criminal conduct or any other conduct in contravention of Victorian Statutory Legislation.

Any unresolved issues will be escalated to the LSV Grievance and Judiciary Review Committee.

7 Roles and Responsibilities

7.1 Board

Ensures that the policy is in place, and is reviewed.

7.2 Membership and Leadership Development Council

Approve this policy as part of the operational policies of LSV.

Review this policy annually.

7.3 CEO

Ensure that LSV develops procedures and controls to implement the policy.

Ensure that members re aware and comply with the policy and procedures.

7.4 Members

That all members comply with the policy.

8 Reference Documents

This policy should be read in conjunction with the following reference documents;

Member Protection Complaints Handling Process [GQM-PR-002]

Complaints Handling Process Chart [GQM-PR-002, Appendix A]

LSV Grievance and Judiciary Review Committee Process [GQM-PR-002, Appendix 3]

Complaint Support Request Form (for members requesting support with a member protection issue) GQM-FO-001

Complaint Handling Reporting Form GQM-FO-002

9 Policy Governance and Review

Approved for release by:	Designation	Review Date
CEO	Membership and Leadership Development Council Human Resources	April 2017