



Complaints Policy And Procedure Gold Coast Pickleball Association (GCPA)

Over the past few years there have been, as with most sporting clubs, a small number of disputes within our club involving the members. Feedback received and the protracted course of two such complaints, suggests a deficiency in our process to this point in time. This can only add fuel to member dissatisfaction and subsequent poor behaviour, a factor recognised by many sporting bodies and government resulting in the implementation of educational resources such as the Play by the Rules programme.

Our federal body, Pickleball Australia Association Ltd., has an existing Policy and Procedure and our club Constitution has guidelines that this club will draw upon for our complaints handling process.

If you have a Complaint

All sport and active recreation organisations should endeavour to be supportive and provide a safe environment in which to develop friendships and have fun. No person should be subjected to discrimination, harassment or abuse. If you believe this behaviour is occurring, you have every right to make a complaint. Consider the following options:

- **trying** to sort the matter out yourself by talking to the other party
- **informal** discussions with the other party in the presence of a support person (ideally someone involved in Pickleball administration);
- **mediation** (see below)
- **lodging** a formal written complaint at the level the incident occurred;
- **appealing** to the next level if you believe the outcome was biased, you have been denied natural justice or the process didn't follow your sport's procedures;
- **referring** or lodging a complaint with an external authority (e.g. police, child protection or anti-discrimination agency).

Generally you have a choice in how you would like your complaint dealt with. In some cases though, the club may have a duty of care and be required to act, irrespective of how you would like the complaint handled (e.g. if a child is believed at risk of harm).

Lodging a formal complaint

Should you decide to lodge a formal complaint, this should be done at the level at which the issue occurs (e.g. if it's a club issue, then it should be dealt with at the club level; if it's a state or national issue, direct it to the appropriate authority).



For club issues, a signed letter detailing the complaint (see Pickleball Australia Association Ltd. Dispute Handling Attachment E for help with content) should be directed to:

- the Club President (president@goldcoastpickleball.com.au)

or

- the Club Secretary (secretary@goldcoastpickleball.com.au)

If you are worried that a child is at risk, report your suspicions immediately to your state or national sporting or recreation organisation and child protection authority (this is a legal requirement in some states).

If the issue is serious (e.g. sexual harassment or physical assault) you can either lodge a complaint with your organisation or contact

- QLD anti-discrimination agency if you want advice or to refer a complaint about discrimination and harassment, or the Australian Human Rights Commission
- Local police department to report allegations of assault or to request police assistance.

You can also contact either agency at any time during the complaint handling process. If you're not satisfied with the way the complaint's been handled or you're unhappy with the outcome, you may be able to either lodge an appeal or direct the complaint to the next level (e.g. state or national organisation).

What to expect

The GCPA committee will:

- **Take** all complaints seriously and act promptly
- **Listen** to both sides of the story
- **Treat** people fairly (e.g. not take sides, instead focusing on the facts)
- **Keep** everyone informed
- **Maintain** confidentiality
- **Take** disciplinary action appropriate to the breach of policy
- **Make sure** that neither the person making the complaint (complainant) nor the person(s) against whom you are making the complaint (the respondent/s) is unfairly prejudged or subject to discrimination



If you decide to make a complaint you can generally expect to be:

- **Identified** only to the person or persons against whom you are making the complaint (the respondent/s), the rest of the club will not be told
- **Requested** to support your complaint by providing information about the incident e.g. what, where and when the behaviour occurred and what you did at the time, the contact details of any witnesses, any evidence or documents e.g. emails, text messages, recorded images, etc.
- **Protected** from victimisation (GCPA will consider measures it might readily employ to create distance between complainant and respondent/s while the investigation is underway).
- **Reminded of your responsibility** to refrain from disseminating details of your complaint within the club or externally whilst the matter is under review.

Where to get external help

Irrespective of whether you have a complaint, you're responding to a complaint or someone has complained about you, you can get information and external support from a range of agencies.

Human Rights, Equal Opportunity and Anti-Discrimination Agencies

- Free confidential advice about discrimination, harassment, victimization and the lodgement of complaints.
- Administer national human rights and equal opportunity laws.
- Investigate and attempt to resolve complaints of illegal discrimination, harassment or victimisation.
- Educate to prevent discrimination and harassment.

Child Protection Agencies

- Offer advice and handle reporting of child abuse/suspicion of harm against children.
- Provide advice on enquiries about suspicion of harm against children and investigate emotional abuse and neglect.

Police

- Investigate allegations of physical or sexual assault.
- Investigate suspicions of child abuse.
- Conduct criminal record checks.
- Provide application forms for national police checks.



Community legal and mediation services

- Provide low (or no) fee mediation for sporting club complaints.
- Free (or low cost), confidential mediation and negotiation.

Australian Sports Commission

- Our National Sporting Authority may provide advice on procedure

Grievance and discipline provisions - Pickleball Australia Association Ltd. website / GCPA constitution

A grievance is a complaint by a person or organisation made against another person or organisation, or perhaps more than one.

A discipline matter is where a person or organisation is “charged” with breaching the rules, including the constitution and policies, which can result in a penalty being imposed. Penalties may range from a warning to a fine, with the ultimate sanction being expulsion from the club after the matter is dealt with via a tribunal or similar hearing conducted in accordance with the rules of natural justice.

Mediation is generally the preferred way of dealing with the complaint or grievance.

Mediation

Mediation is an alternative method of dispute resolution. It is a controlled process in which the people involved can come to an agreement that each one can live with. Whilst neither party may get exactly what they want, both parties share control to achieve of the process to achieve an outcome.

Mediation should be employed at an early point, before any matter gets out of hand. If matters are allowed to escalate or become protracted, it is likely that reputations will be sullied and irreparable damage may be done to friendships and to the very fabric of the club.

Mediation allows for the complainant and the respondent (the parties to the dispute known as disputants) to put their positions to each other in a structured conversation in a confidential meeting managed by a mediator, who should be entirely independent of both parties and, possibly, the club, if not the sport.

The mediator is a person who is, first and foremost, impartial in the matter with no conflict of interest. In the ideal situation a mediator would have training and/or



experience in dispute resolution, such as a lawyer, someone with an industrial relations background or someone who has experience in other areas of dealing with similar disputes. The mediator could be internal or external to the club depending on the views of the parties concerned. Using an external mediator means that no one from GCPA or the sport needs to be involved at all.

In the current GCPA Constitution mediation is the stipulated form of resolution for disputes between members, or between members and the Association. Ideally the mediator is chosen by agreement of the parties involved. Where agreement cannot be reached, a mediator should be chosen by the President of the Law Society of Queensland.

Community legal and mediation services may provide low (or no) fee mediation for sporting club complaints. Any reasonable associated fees for the service would most likely be covered by the GCPA, although in some cases it may be appropriate for each party involved in the dispute to pay half the fees.

According to the GCPA Constitution, in respect to any mediation (under clause 14) and for the avoidance of doubt:

- (a) **Any** member of the GCPA **can** be considered as a mediator.
- (b) The mediator cannot be a party to the dispute.
- (c) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (d) The mediator, in conducting the mediation, **must**:
 - i Give the parties to the mediation process every opportunity to be heard;
 - ii Allow due consideration by all parties of written statements submitted by any party; and
 - iii Ensure natural justice is accorded to the parties to the dispute throughout the mediation process.
- (e) The mediator must not determine the dispute.
- (f) If the mediation process does not result in the dispute being resolved, the mediator is to advise the Association's committee.

Our State and National Pickleball organisations are currently (January 2024) developing recommendations to help clubs choose and appoint an external mediator if required. These recommendations will, once completed, be utilised by GCPA if required.



When mediation is not suitable

In some instances mediation is not suitable. For instance:

- One party is not willing to mediate (subject to any mandatory requirements in the sport or club constitution)
- The versions of events are so far apart that mediation would likely fail.
- A party is acting in bad faith (e.g., when a party wants to use the matter for extraneous purposes such as sending a broad public message contrary to mediation being confidential; or where a party is unwilling to look for solutions)
- There is a safety or intimidation issue where one party is in fear of the other or there is a distinct power imbalance (e.g. in family law, domestic violence cases)
- It is a criminal matter which is dealt with via police prosecution
- Where an accusation has been made against a party who then seeks public vindication, then legal action may be a better choice
- One party is affected by drugs and/or alcohol (N.B. under such circumstances this calls into question the fitness of such a person to meet eligibility criteria for club membership)
- One party is emotionally out of control and cannot be consoled
- A party cannot advocate for him or herself and has no representative
- A party has mental wellbeing or mental health problems.
- The matter involves proven serious allegations regardless of the wishes of the complainant.

This decision will be made by careful deliberation by the club officer handling the complaint (most likely the club President or Secretary) in consultation with relevant members of the committee, State and National Pickleball organisation representatives or the President of the Law Society of Queensland as deemed necessary.

When mediation fails

In the current GCPA Constitution, if one of the parties is the Association and the dispute is not resolved by the Law Society of Queensland mediator within 3 months of the referral, the dispute is to be referred to the Dispute Resolution Centre (operated by Queensland's Office of Fair Trading) that is closest to the Association's address.

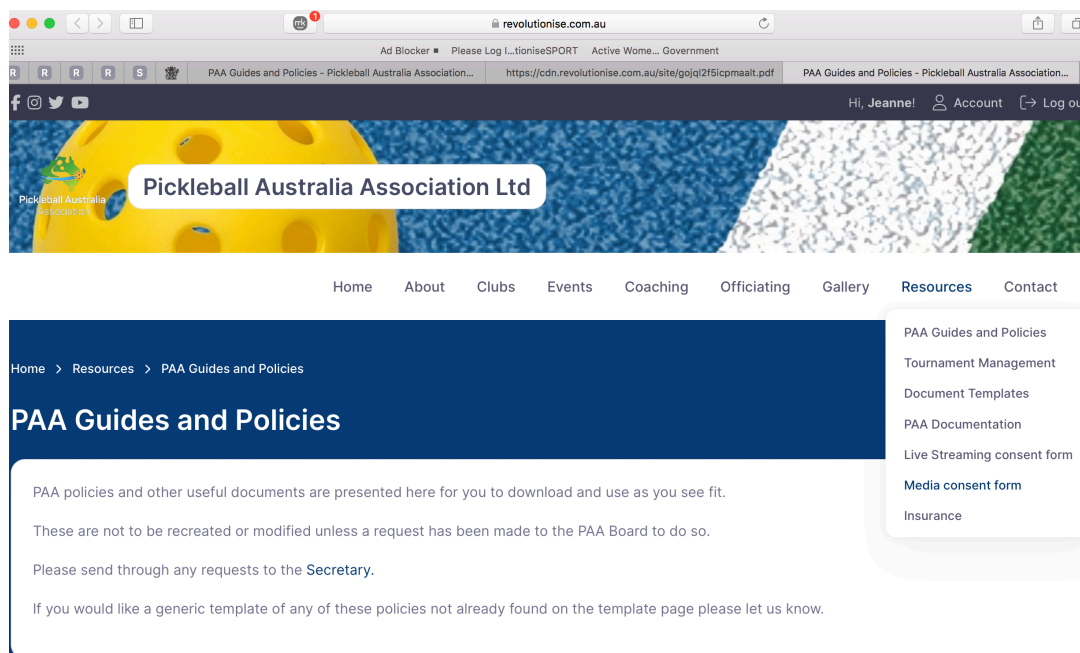


The role of the board in dispute resolution

(See the GCPA Constitution, Clause 14)

GCPA will adopt for use some of the sections and relevant forms found in the Appendices of the Complaints Policy of Pickleball Australia Association Ltd.. These may be found by logging on to the Pickleball Australia Association Ltd. website using your PAA username and password and looking under “Resources”.

(See screenshot below)



Investigation of complaints

Investigations are generally not in the best interests of a club or sport to the extent that they necessarily prolong the matter. They can take weeks, or even months to conclude. They require the involvement of many more people, including witnesses to the altercation or whatever it was that sparked the complaint and yet, with the passage of time, many others in the club or sport will have moved on or forgotten the details. Further delays to consider recommendations as to penalties or sanctions will take more time to decide what is best to do. Everyone involved will be on the hook for a long, and possibly not very happy, time.

Investigations are essential to the good governance and good order of a club or sport when poor conduct needs to be dealt with, but if a prompt process is put in place then they may not be necessary. If possible, common-sense and reasonable steps should be taken to nip complaints in the bud to avoid unnecessary escalation. This is the best policy (see above).



The ideal process

In accordance with the Pickleball Australia Association Ltd. policy, after receiving a formal, written complaint, the President / Secretary of GCPA should:

Consider / decide if:

- they are most appropriate person to receive and handle the complaint (is there any personal involvement in the circumstances that might make it more appropriate to refer the matter on to someone who is more independent).
- the complainant's wishes and the wishes of the respondent as to how the matter should be handled
- the relationship between complainant and respondent (actual or perceived imbalance of power)
- the presented "facts" of the case are in dispute
- the urgency of the complaint in terms of possible exposure to unacceptable behaviour
- the nature and seriousness of the complaint requires formal resolution
- they should/can refer the matter for mediation
- they should/can appoint a person to investigate the complaint
- they should/can refer the complaint to a tribunal hearing
- they should/can refer the matter to the police or other appropriate authority
- they must implement any interim arrangements that will apply until the complaint process is completed.

The person deemed appropriate to handle a formal complaint or grievance should:

- Provide the information received from the complainant to the other party/parties involved (the respondent/s) and ask for a response
- Decide if there is enough information to determine whether the matter alleged in the complaint did or did not occur.
N.B The Committee must note but not act on any complaint received from a member for which there is no confirmed evidence or witnesses
- Determine what, if any, further action to take including referral of the matter for investigation or disciplinary action in accordance with the Pickleball Australia Association Ltd. policy and GCPA constitution in relation to dispute handling



Investigating the complaint

In some cases an investigation may be required to determine the facts surrounding the complaint.

The Pickleball Australia Association Ltd. investigation procedure and the steps following investigation are outlined in attachment B of its policy manual. GCPA shall adopt these measures.

Documenting the complaint and its resolution

The person handling the complaint will record:

- the complaint
- the steps taken to resolve it
- the outcome.

Once again GCPA shall adopt the forms developed by the Pickleball Australia Association Ltd. and appended to their resource document on the handling of complaints. These may be found by logging on to the Pickleball Australia Association Ltd. website using your PAA username and password and looking under “Resources”.

Committee Responsibilities

All communications from the Committee to and from members concerning alleged violations of acceptable behaviour must be in writing, detailing in full all witnesses and evidence, and allow respondents appropriate avenues and a reasonable time period in which to respond.

This information will be stored by the Club Secretary in a confidential and secure place either digitally or in hard copy.

ALL Committee members have a duty to refrain from public discussion (either intentional or being inadvertently overheard) of matters pertaining to complaints.

Committee members found to be engaging in informal or unsanctioned discussions regarding confidential matters should be sanctioned as deemed appropriate by their fellow Committee members in accordance with good governance.

ACKNOWLEDGEMENT OF SOURCE DOCUMENTS

- Play by the Rules programme – information imparted in training courses
- Complaints Policy of Pickleball Australia Association Ltd.
- GCPA Constitution