

ERNA Grievance and Dispute Resolution Policy

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Updates to the Grievance and Dispute Resolution Policy

Date	
10/02/23	Updated as per 10/02/23 Special Council Meeting
27/11/23	Updated as per 27/11/23 Special Council Meeting

A. Grievance and Dispute Resolution Policy Overview

A1. Application of this Policy

- A1.1 ERNA endeavours to provide a harmonious, fun and inclusive environment in which its players, officials, volunteers, supporters and members of our community can participate in Netball to grow, experience challenges and opportunities, learn and develop in an environment that is safe and free from conflict and inappropriate behaviour.
- A1.2 In some instances, conflict and disputes arise in which case, this Policy provides for a fair process in which complaints can be handled.
- A1.3 This Policy shall not apply to complaints or potential offences which fall within the scope of:
- (a) the Netball NSW Member Protection Policy; or
 - (b) the Netball NSW Disciplinary Policy.
- A1.4 While this Policy sets out the steps to be taken by ERNA in relation to a Complaint made under this Policy, ERNA has the discretion to deal with the Complaint in a manner it considers to be most appropriate in the circumstances.

A2. Parties and Scope

- A2.1 This Policy applies to:
- (a) ERNA and its members (including administrators);
 - (b) ERNA registered players;
 - (c) ERNA coaches, umpires, bench officials, managers and members of committees and subcommittees;
 - (d) Employees, service providers or contractors of ERNA;
 - (e) Parents, guardians, spectators and sponsors and any other person or organisation to the fullest extent possible;
 - (f) Any person who has agreed to be bound by this Policy, collectively referred to as a 'Member'.
- A2.2 All Members are required to familiarize themselves with this Policy and keep up to date with any changes.
- A2.3 This Policy applies at:
- (a) any ERNA competition or event, including training, training events and camps;
 - (b) paid or voluntary activities, including dealing with members, media, sponsors, other support employees, volunteers, independent contractors and other participants in ERNA arranged netball;
 - (c) all times when acting in any capacity on behalf of ERNA.
- A2.4 This Policy applies despite anyone having stopped their association or employment (described above) with ERNA, if action under this policy had already commenced.
- A2.5 A Member may use this Policy to make a complaint and seek to resolve a problem, concern or grievance (collectively referred to as 'Complaint'), where the Netball NSW Member Protection Policy or the Netball NSW Disciplinary Policy does not otherwise apply.

B. Grievance and Dispute Resolution Process

B1. Address complaint directly with the person concerned

- B1.1 As a first step and (only) if a person feels comfortable to do so, they should communicate the issues with the relevant person in a calm and courteous manner, at the time or shortly after the issue, incident or event taking place.
- B1.2 It is possible that the person was not aware of the impact their actions, decision or behaviour may have had on someone. This does not justify any particular behaviours but facilitates an environment where Complaints may be resolved amicably and promptly without risk of further escalation.
- B1.3 This is not a mandatory step and in certain circumstances, it may not be appropriate.

B2. Call for assistance from an ERNA official

- B2.1 Request assistance from an ERNA representative at the time of the incident. Where possible, an ERNA official will attend courtside to observe, intervene and liaise. The intention is to prevent further escalation and resolve the situation.
- B2.2 The ERNA official may report the incident to the Grievance and Dispute Resolution Committee or otherwise the incident may be handled in accordance with ERNA policies and procedures in its discretion.

B3. Talk to a club official / administrator

- B3.1 In some situations, an incident may not be satisfactorily resolved and parties may feel that further action or discussion is warranted. In this case, informal discussion about the issue with an official or administrator from the complainant's Club is encouraged. The role of the Club official in this instance is to understand the circumstances and offer any advice or insights that may help resolve the matter.
- B3.2 If, following discussions with the relevant official, the matter remains unresolved, a person may lodge a complaint with the ERNA Grievance and Dispute Resolution Committee in accordance with the procedure in this Policy described below.
- B3.3 A club official may lodge a formal report to the ERNA Grievance and Dispute Resolution Committee as a result of discussions taken as outlined above. Such report will be handled at ERNA's discretion and subject to the ERNA Constitution and any relevant Netball NSW policies and procedures.

B4. Submit a complaint

- B4.1 A complaint made under this Policy must be made electronically using the "ERNA Grievance and Dispute Report" form on the ERNA website. All relevant information must be attached or provided in the Complaint at the time of submission.
- B4.2 Complaints which are unclear, lacking in detail or contain inadequate information may not be considered.
- B4.3 Following submission, the Complaint will be considered and reviewed by a member of the ERNA Grievance and Dispute Resolution Committee.

B5. Timing of a complaint

- B5.1 A complaint made under this Policy must be made within 7 days of the incident, event or circumstance giving rise to the Complaint, taking place.

B5.2 The ERNA Grievance and Dispute Resolution Committee may review the circumstances and if it deems appropriate, may extend the period for the submission of a Complaint, for a period no more than 6 months.

B5.3 Notwithstanding anything to the contrary, any Complaint initiated under this Policy 6 months after the incident, event or circumstance giving rise to the Complaint, shall not be considered.

B6. Handling of the Complaint and ERNA Grievance and Dispute Resolution Committee

B6.1 The ERNA Grievance and Dispute Resolution Committee will review the Complaint and, if necessary, make further enquiries and seek further information regarding the Complaint.

B6.2 The Complaint will be investigated by the ERNA Grievance and Dispute Resolution Committee (or a member of it) or may be referred to a third party outside ERNA (including an ERNA legal representative).

B6.3 Complaints made anonymously, or which are frivolous or trivial will not be considered.

B6.4 The ERNA Grievance and Dispute Resolution Committee:

- (a) may make such enquiries as it sees fit;
- (b) will, where applicable, provide an opportunity of response to any third party about whom allegations are made;
- (c) may make findings of fact based on the information available to it.

B7. Outcomes of the Complaint

B7.1 The ERNA Grievance and Dispute Resolution Committee will provide a summary of outcomes and recommendations to the ERNA Executive Committee and then to the relevant Club official via email within 7 days. The ERNA Grievance and Dispute Resolution Committee may write to the ERNA Executive Committee and the relevant Club official to advise that additional time is required to reach an outcome.

B7.2 If a Complaint is not substantiated, the ERNA Grievance and Dispute Resolution Committee:

- (a) will inform the parties of the outcome;
- (b) explain the standard of behaviour expected (where applicable);
- (c) may inform the parties about confidentiality;
- (d) monitor (where applicable).

B7.3 The ERNA Grievance and Dispute Resolution Committee may take a number of steps in relation to a Complaint, including but not limited to:

- (a) deem no further action is required;
- (b) make a recommendation in relation to the Complaint which may include a recommendation of disciplinary action;
- (c) stand down a volunteer, coach, manager or member until an investigation into the Complaint is completed.

B7.4 Recommendations by the Grievance and Dispute Resolution Committee may include:

- (a) penalties such as the removal of competition points
- (b) restriction from attendance or participation from games for a set period
- (c) ERNA representative may be required to attend future games
- (d) warnings
- (e) suspension or expulsion from the competition

(f) otherwise impose such penalty or arrive at such other resolution as considered appropriate.

B7.5 Where a recommendation of the Grievance and Dispute Resolution Committee is likely to affect the interests of a club (for example the recommendation for the suspension or cancellation of membership of a Club member or Club official), the Grievance and Dispute Resolution Committee may communicate its proposed recommendation to the Club and the Club shall be given an opportunity to respond. The Club's response must be:

(a) in writing and shall not exceed 3 x A4 pages; and

(b) submitted within 7 days of receiving the proposed recommendation, unless an alternative period is agreed between the Grievance and Dispute Resolution Committee and the Club.

B7.6 The ERNA Executive Committee may in its discretion, accept the ERNA Grievance and Dispute Resolution Committee's recommendations or take such other steps in relation to the Complaint as it considers necessary.

C. Confidentiality and Frivolous & Vexatious Complaints

C1. Confidentiality

C1.1 Complaints will be kept confidential, as far as possible and all reasonable endeavours will be used to limit the disclosure of information about the Complainant to those who need to know. However, it may be necessary to disclose aspects of the Complaint in order to properly investigate it.

C1.2 If a Complaint raises matters which, if proven, constitutes a breach of the law, ERNA may take appropriate action in relation to the Complaint (including completing the complaint handling process), irrespective of the wishes of the complainant or others. If criminal conduct is involved, ERNA may need to notify appropriate authorities.

C2. Frivolous and vexatious complaints

C2.1 Making a Complaint under this Policy is a serious matter which may have serious consequences for those involved. It is not to be taken lightly.

C2.2 If a person makes a false, malicious or vexatious complaint, disciplinary action may result. Such a Complaint may expose the complainant to an action in defamation and such a Complaint ought to be considered carefully.

C2.3 If a person makes an excessive number of Complaints under this policy which are trivial, unfounded, frivolous or of no importance, that person may be disciplined, have membership cancelled or be banned from ERNA activities or premises.

Diagram 1: Summary of ERNA Grievance and Dispute Resolution Process

