

Hale Aquatics

Disputes, Complaints and Discipline Policy



1. Purpose

The Complaints, Disputes and Discipline Policy sets out the principles that govern and direct Hale Aquatics (the Club) process for receiving and responding to complaints from members, parents, staff, staff, instructors, coaches, officials, visitors and volunteers. The Club recognizes that it will receive feedback and complaints from time to time that there may be disputes between members, between members and the club and aims to resolve these in a prompt, professional and just manner and utilize the knowledge gained for continuous improvement in operations and processes.

This Policy is not applicable to complaints made by employees that are employment related. Staff are referred to the Hale School Staff Grievances and Complaints policy for resolution of employment-related matters. It must be noted that if there is a complaint against a staff member, the matter may be handled by Hale School under the provisions of the School's Managing Misconduct Policy.

If the complaint relates to any of the following

- A doping or drugs in sport issue
- Supplying alcohol drugs or medicines
- Competition Manipulation and Sports Gambling

Then the complaint should be lodged first through the Sport Integrity Australia site found here- <https://www.sportintegrity.gov.au/contact-us/make-an-integrity-complaint-or-report>. Once that is complete then the complainant may wish to contact the Member Protection Information Officer.

Hale School's *Code of Ethics and Code of Conduct* along with Hale Aquatics' *Code of Conduct* and *Safeguarding Children and Young People Policy* provide direction on a range of ethical and conduct issues and express its commitment to the safety and protection of children from all forms of abuse and harm. The values and direction in these codes inform the Club's approach to complaint and dispute handling and resolution.

The purpose of this Policy and related procedures is:

- To promote clear, open, and honest communication.
- To ensure that the Club environment is free from intimidation, harassment and discrimination.
- Provide a timely and effective mechanism for members, parents, coaches, visitors and volunteers to express their concerns or make complaints so that options for a resolution can be identified as soon as possible.

- Ensure that concerns, complaints and disputes are handled impartially, justly, confidentially and with appropriate sensitivity.
- Define the roles and responsibilities of complainants and the Management Committee in managing and resolving complaints and disputes.

The provisions of the policy are in alignment with Swimming Australia's National Integrity Framework, the Constitution of Hale Aquatics and Hale School's Disputes and Complaints Policy.

2. Definitions

Complainant: A member of Hale Aquatics, parent, manager, employee of Hale School, instructor, coach, visitor or volunteer who has a complaint.

Complaint: A complaint is defined as an expression of dissatisfaction made to Hale Aquatics, in relation to the club, a member or a staff member, a coach, instructor, visitor or volunteer, where a response or resolution is explicitly or implicitly expected.

Dispute: A disagreement between two or more members or a member(s) and other individual(s) from the Club – an employee, instructor, coach, visitor or volunteer

Investigation: Formal examination of a complaint by an authorised manager, staff member or by the Management Committee of the Club

Managing a complaint: Coordinating all the processes involved in addressing the complaint to its conclusion/resolution.

Mediation is a voluntary process of dispute resolution where an independent third party assists the opposing parties in the dispute to reach an agreement to resolve the matter(s) at issue.

Resolution: An outcome of a complaint that is satisfactory to all parties.

Unresolved complaint: A complaint which has not been resolved to the satisfaction of the complainant.

3. Principles

3.1 The Club's approach to dispute resolution and complaint management is underpinned by the following objectives:

- a) the process will be easy to use and understand, and information will be easy to access
- b) complaints will be acknowledged and addressed

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- promptly.
- c) complaints will be handled in an unbiased and equitable manner
- d) the process will remain confidential to the parties directly involved
- e) procedural fairness will be accorded to all parties to the process.
- f) the decision or action taken regarding the complaint will be communicated to the complainant as soon as the decision is made. Action will be taken to correct the problem and prevent recurrence of the same
- g) all information gleaned from a complaint will be analyzed and used for continuous improvement in operations and procedures

3.2 Member Protection Information Officer

As required under Section 10 of the Constitution, Hale Aquatics has appointed a Member Protection Information Officer who is available to members for them to discuss and voice their concerns and complaints in relation to the Club and its activities.

In the absence of any legal obligation to report disclosed matters, the Member Protection Information Officer is permitted to maintain confidentiality regarding all information shared with them.

3.3 Anonymous complaints

Anonymous Complaints are not encouraged. However, the Club will accept and investigate an anonymous complaint if it raises a serious matter and there is sufficient information to enable the conduct of an investigation.

3.4 Dismissal of complaints

The Management Committee may dismiss a complaint that they have determined to be frivolous, vexatious, lacking in substance or unable to be reasonably considered.

3.5 Reporting

Nothing in this Policy precludes a person or the Club from reporting an alleged criminal action to the police or other relevant external authority (e.g. Department of Communities; WA Ombudsman, as applicable). In certain circumstances, this is mandated as set out in the Code of Conduct and the Safeguarding Children and Young People Policy.

A complainant may also seek resolution of a complaint through an external body (e.g. Swimming Australia) at any time. The Club reserves the right to suspend any internal complaint process where the matter has been

referred to an external relevant authority.

3.6 Resolution of Disputes/Complaints

As per the Club's Constitution (Section 10.2), parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party. Where this is deemed necessary the parties may choose to involve the Member Protection Officer.

Where the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure set out at Section 10.2 of the Constitution, by giving notice to the Secretary of the Management Committee with details of the parties involved and the details of the dispute. A complainant may use the **Complaints Form** attached to lodge their complaint. Alternatively, an email with details of the substance of the complaints, the complainants name, address, and telephone contact details could be sent to the Club, marked for the attention of the Secretary.

The process to be followed by the Committee to determine the dispute including the requirement to provide the parties to the dispute with a full and fair opportunity to state their respective cases orally, in writing or both, is contained at Section 10.2 of the Constitution.

3.7 Disciplinary Action

If suspension of membership or expulsion is an outcome of the Management Committee's deliberations and process in investigating a dispute/complaint, the provisions of Section 9.2 of the Constitution will also be complied with.

3.8 Mediation

The Constitution of Hale Aquatics provides for the appointment of a mediator where the parties to a dispute are dissatisfied with the decision of the Management Committee. The party or parties requesting mediation are required to pay the costs of the mediation. Details in relation to the appointment of a mediator and the criteria to be applied to the selection of the mediator are contained in Section 10.3 of the Constitution.

3.9 Inability to resolve disputes

If a dispute or complaint remains unresolved then a party to the dispute may apply to the State Administrative Tribunal for a determination.

4. Related Legislation and Policies

Legislation

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- School Education Act 1999
- School Education Regulations 2000
- The Teachers Registration Act 2012
- Corruption and Crime Commission Act 2003
- Work Health and Safety Act 2020 (WA)
- Working with Children (Criminal Record Checking) Act 2004
- Fair Work Act (2009)
- Human Rights and Equal Opportunity Commission Act (1986)
- Sex Discrimination Act (1984)
- Western Australian Equal Opportunities Act (1984)
- Reportable Conduct Scheme

Hale School Policies

- Code of Ethics
- Code of Conduct for Staff
- Child Safety Policy
- Staff Grievance and Complaints Policy
- Disputes and Complaints Policy and Procedures (Parents-Students-Community)
- Child Protection and Mandatory Reporting Policy

Hale Aquatics Resources and Policies

- Hale Aquatics Constitution
- Swimming Australia – National Integrity Framework
- Code of Conduct
- Safeguarding Children and Young People

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