



## PONY CLUB ASSOCIATION OF THE NORTHERN TERRITORY

Policy Name	Complaint Policy
Policy Type	Compliance
Policy Number	COMP01
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### SUMMARY

The Pony Club Association of the Northern Territory (PCANT) has set out this Policy and Flow Chart for members to use when there is a complaint/dispute in process. Member protection complaints, competition complaints and general complaints that are valid should be dealt with through this process.

### POLICY STATEMENT

This Complaints Policy sets out the procedure that PCANT and all affiliated clubs will follow when a dispute arises. The following people are bound by this policy when engaged in Pony Club activities in the Northern Territory regardless of whether the persons are involved in the activity in a paid or voluntary capacity.

#### 1. PERSONS TO WHOM THIS POLICY APPLIES:

- a) members, including individual members, and Life Members
- b) riders, coaches, officials and those persons participation in events such as clinics, camps and training sessions, held or sanctioned by PCANT
- c) any other person including parents/guardians and spectators accompanying riders or teams;
- d) PCANT Board executive and general members
- e) Northern Territory Pony Club committee members, club members and associated persons
- f) support crew appointed or elected to Territory and/or club teams and squads (e.g. managers, chaperones and/or coaches)
- g) PCANT employees
- h) Any third parties providing services on behalf of PCANT

**Note:** This policy may still continue to apply to a person after he or she has stopped their association or employment with PCANT, if disciplinary action or investigation against that person has commenced whilst he or she was associated with, or employed by PCANT.

## **2. POLICY PRINCIPLES**

- a) People bound by this Policy have a right to lodge a valid complaint about any aspect of their Pony Club experience
- b) Complaints will be treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- c) The complaint process will be managed with fairness and equity
- d) All complaints will be acknowledged in writing and finalised as soon as practicable.
- e) In the interest of confidentiality, the number of people involved in the resolution process is kept to a minimum.
- f) Victimisation of complainants, respondents or anyone else involved in the complaint resolution process will not be tolerated.
- g) The outcomes of complaints are fed into continuous improvement initiatives where appropriate.
- h) The Complaints Policy is available on the PCANT website

## **3. TYPE OF COMPLAINTS**

1. Member Protection
2. Competition
3. General

### **3.1 Member Protection Complaints**

Complaints involving discrimination, harassment and abuse are classified as member protection complaints and are dealt with under Pony Club Australia Member Protection Policy

<http://www.ponyclub.asn.au/files/documents/membership/pcampp2015-8-pca-member-protection-policy.pdf>

The Member Protection Policy addresses the following issues:

- a) child protection;
- b) taking images of children;
- c) anti-discrimination and harassment;
- d) intimate relationships;
- e) pregnancy;
- f) gender identity;
- g) responsible service and consumption of alcohol;
- h) smoke-free environment;
- i) bullying;
- j) social networking
- k) Code of Conduct breach

### **3.2 Competition Complaints**

Competition complaints are complaints that arise from Pony Club competitions held in the Northern Territory. Complaints may include, but are not limited to the following;

- a) incorrect results;
- b) missing scores;
- c) rules of competition;
- d) eligibility of horse or rider;
- e) irregularities or incidents during a competition;
- f) conduct of officials
- g) participant conduct

Competition complaints are usually dealt with during competition time by the organising committee, a financial penalty is usually paid by the complainant. The amount should be advertised clearly in the competition rules prior to the event.

If the complaint is not able to be resolved as a matter of process by using the competition rules, it may be forwarded as a general complaint. Also, if a competition complaint is about processes rather than result of a competition, it may be lodged formally as a general complaint.

### **3.3 General Complaints**

Any complaint that is not covered by the Member Protection Policy or considered to be a Competition complaint, is a General complaint.

General complaints include, but are not limited to;

- a) breach of procedure
- b) unresolved conflict
- c) conflict of interest
- d) bringing Pony Club NT into disrepute
- e) Member Protection Information Officer referral
- f) Complaints Officer referral
- g) PCANT referral
- h) Pony Club Australia referral

## **4. RECORDS MANAGEMENT**

Complaints records are to be maintained securely. Records of complaints include:

- a) the complaint
- b) how the complaint was dealt with
- c) complaint outcome

## **5. SUPPORTIVE DOCUMENTS DURING DISPUTE**

- a) Pony Club Australia Member Protection Policy
- b) Pony Club Handbook
- c) Code of Ethics
- d) Competition Handbook

Note: this list is not exhaustive

## **PART B: COMPLAINTS PROCEDURE**

### **1. INTRODUCTION**

PCANT is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective manner.

### **2. GENERAL COMPLAINT PROCEDURE**

#### **2.1 Process Outline**

If a person has a complaint, he or she is encouraged to try to resolve the matter with the person concerned. If this is unsuccessful, the person may wish to speak to the person in their club that is designated to deal with complaints. If this is not possible you can contact PCANT for direction, where possible we recommend that matters are resolved informally and locally.

If it is not possible to resolve the matter informally and locally, the person may wish to make a formal complaint.

#### **2.2 Formal Complaint Process**

All Pony Club NT members have the right to the principles of natural justice and procedural process as outlined in this PCANT Complaints Policy, when a complaint is made. PCANT is committed to having a transparent complaints process which is outlined below.

It is the responsibility of the complainant and respondent to prepare their submissions to PCANT. It is not the role of PCANT to advise the parties on how to prepare or present their submissions, or to provide legal advice.

- a) Complaints are to be made within 5 business days of the incident.
- b) A formal complaint must be lodged in writing using the Complaints Form to the PCANT Complaints Officer. Additional information can be added to the Complaints Form where necessary.
- c) The PCANT Complaints Officer will acknowledge receipt of the complaint in writing as soon as practicable after it has been received.
- d) The PCANT Complaints Officer may
  - i. appoint a person to investigate the complaint
  - ii. refer the complaint to an informal or formal mediation session
  - iii. refer the complaint to the Member Club
  - iv. refer the complaint to the police or other appropriate authority.
- e) If the PCANT Complaints Officer decides that a complaint should be investigated, the following steps will be followed.

- I. Further investigation will occur by PCANT and if necessary a third party may be employed to facilitate resolution professionally
- II. The complainant may be interviewed and the interview documented in writing.
- III. A copy of the complaint, and any accompanying material, will be provided to the respondent. The respondent will be asked to provide a written response to the complaint within 5 business days.
- IV. The respondent may be interviewed and the interview documented in writing.
- V. Statements from witnesses and other relevant evidence will be collected, as necessary, in order to assist in a determination.
- VI. The Investigator will make a finding as to whether the complaint is:
  - i. substantiated (there is sufficient evidence to support the complaint)
  - ii. inconclusive (there is insufficient evidence either way);
  - iii. unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
  - iv. mischievous, vexatious or knowingly untrue.
- VII. The PCANT Complaints Officer will determine what action is required from the information presented
  - i. an informal or formal mediation session;
  - ii. a Dispute Committee hearing; and/or
  - iii. the police or other appropriate authority.

The findings of the investigation and the PCANT's decision will be communicated to the complainant and the respondent.

- f) If the PCANT Complaints Officer decides if a complaint should be referred to mediation. The following process may be applied:
- I. PCANT will appoint an appropriate mediator to mediate the complaint. The mediator will be an independent person in the context of the complaint; however, this does not preclude a person with an association with PCANT acting as mediator.
  - II. The mediator, in consultation with the complainant and respondent, will choose the procedures to be followed during the mediation.
  - III. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent to pursue an alternative process if the complaint is not resolved.
  - IV. If a resolution is reached at mediation:
    - i. the mediator will prepare a document that sets out the agreement reached between the complainant and respondent and it will be signed by them as part of the agreement; and
    - ii. no further action may be taken under this Policy (except by agreement between the parties).
  - V. If the complaint is not resolved by mediation, the complainant may request the matter be referred back to the PCANT and the complaint will proceed in accordance with Step 5 above.

- g) If the complainant or respondent is not satisfied with the decision he or she can appeal to decision and refer it to the Pony Club Australia

## **TERMINOLOGY AND REFERENCES**

### **REFERENCES:**

Pony Club Western Australia Complaints Policy 2017

Pony Club Australia Member Protection Policy 2015

### **FURTHER INFORMATION:**

Managed by the PCANT Management Committee