

Sport Inclusion Australia
ABN 54 961 189 101



Sport Inclusion
A U S T R A L I A

Drive Inclusion through Sport

Personal Grievances Policy

Policy Name:	Personal Grievances Policy
Date of Approval:	
Policy Coverage:	Interpersonal disputes that arise in the context of involvement in Activities, but do not involve a breach of a National Integrity Framework policy or other Sport Inclusion Australia policy
Date of Review:	

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1. Background

1.1 Purpose

This Policy has been adopted alongside the Sport Inclusion Australia National Integrity Framework to establish a formal process for people and organisations engaging with Sport Inclusion to resolve interpersonal conflicts and disputes that arise in the context of their involvement in Sport Inclusion, but do not involve a breach of an Integrity Policy or other Sport Inclusion Australia policy.

1.2 Definitions

In this Policy the following words have the corresponding meaning:

Activity means a contest, match, competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition, sanctioned or organised by a Sport Inclusion Organisation.

Authorised Provider means any non-Sport Inclusion Organisations authorised to conduct Activities.

Club means any club that enters a Team to participate in an Activity.

Contractor means any person or organisation engaged to provide services for or on behalf of a Sport Inclusion Organisation, and includes agents, advisers, and subcontractors of the Sport Inclusion Organisation and employees, officers, volunteers, and agents of a contractor or subcontractor.

Employee means a person employed by a Sport Inclusion Organisation.

Individual Member means individuals who are individuals registered with a Member Organisation.

Member Organisation means each company or incorporated association that is a member of Sport Inclusion Australia including:

- (a) Life Stream Australia (QLD);
- (b) Total Recreation (NT);
- (c) Inclusion Solutions (WA);
- (d) Inclusive Sport (SA);
- (e) New Horizons (TAS); and
- (f) Sports4All (NSW).

National Integrity Framework (NIF) means the set of “National Integrity Framework” integrity policies produced by Sport Integrity Australia from time to time.

NST means the National Sports Tribunal.

NST Legislation means the National Sports Tribunal Act 2019 (Cth) (NST Act) and all legislative and notifiable instruments adopted under the NST Act as in force from time to time.

Participant means:

- (a) Athletes who are registered with a Sport Inclusion Organisation or entitled to participate in an Activity.
- (b) Coaches appointed to train an athlete or Team in an Activity.
- (c) Administrators who have a role in the administration or operation of a Sport Inclusion Organisation, including owners, directors, committee members or other persons.

- (d) Officials including referees, umpires, technical officials, or other officials appointed by a Sport Inclusion Organisation or any league, competition, series, Club or Team sanctioned by a Sport Inclusion Organisation.
- (e) Support Personnel who are appointed in a professional or voluntary capacity by a Sport Inclusion Organisation or any league, competition, series, Club or Team sanctioned by a Sport Inclusion Organisation including sports science sports medicine personnel, team managers, agents, selectors, and team staff members; and
- (f) Parents/carers and spectators who are subject to registration conditions or venue conditions of entry that bind them under this Policy.

Personal Grievance means any type of interpersonal conflict or dispute between Relevant Persons or between Relevant Persons and/or Relevant Organisations including conduct that falls short of the threshold for abuse, bullying, harassment, or sexual misconduct under the Sport Inclusion Australia Member Protection Policy or that does not otherwise engage the rules, policies, or by-laws of a Sport Inclusion Organisation.

Policy means this Personal Grievances Policy including any schedules and annexures.

Protected Disclosure means, where the Sport Inclusion Organisation is a “regulated entity” under the whistleblower laws in the Corporations Act 2001 (Cth), a disclosure of information to the Sport Inclusion Organisation that qualifies for protection under those laws.

Relevant Organisation means any of the following organisations:

- (a) A Sport Inclusion Organisation.
- (b) An Authorised Provider.
- (c) A Team; and
- (d) Any other organisation that has agreed to be bound by this Policy.

Relevant Person means any of the following persons:

- (a) An Individual Member.
- (b) A Participant.
- (c) An Employee.
- (d) A Contractor.
- (e) A Volunteer; and
- (f) Any other individual who has agreed to be bound by this Policy.

Sport Inclusion refers to multiple sports as governed by Sport Inclusion Australia from time to time.

Sport Inclusion Australia means Sport Inclusion Australia (ABN 54 961 189 101).

Sport Inclusion Organisation means Sport Inclusion Australia and each Member Organisation that has adopted this, Policy.

Team means any collection or squad of athletes who compete and/or train in Sport Inclusion and/or an Activity.

Volunteer means any person engaged by a Sport Inclusion Organisation in any capacity who is not otherwise an Employee or Contractor, including directors and office holders, coaches, officials, administrators and team and support personnel.

2. Jurisdiction

2.1 Who the Policy applies to:

This Policy applies to Relevant Persons and Relevant Organisations.

2.2 When the Policy applies:

- (a) This Policy applies to Personal Grievances between Relevant Persons and Relevant Organisations in their capacity as Relevant Persons or Relevant Organisations relating to their involvement in Activities or Sport Inclusion.
- (b) The Policy does not apply to the following:
 - (i) A breach of a policy under the Sport Inclusion Australia National Integrity Framework.
 - (ii) A breach of another Sport Inclusion Organisation policy;
 - (iii) A Protected Disclosure.
 - (iv) Disputes that are mischievous, vexatious or knowingly untrue.
 - (v) Disputes relating to the employment of a Relevant Person; or
 - (vi) Interactions between Relevant Persons and Relevant Organisations that are not related to Activities or Sport Inclusion and/or are not in their capacity as Relevant Persons or Relevant Organisations.

3. Dealing with Personal Grievances

3.1 Informal Steps for resolving Personal Grievances under this Policy

- (a) Relevant Persons and Relevant Organisations are encouraged to attempt to resolve any Personal Grievance that is subject to this Policy amongst themselves in the first instance.
- (b) Where a Personal Grievance is unable to be resolved directly through discussion, or one of the parties to the disagreement is uncomfortable with approaching the other party directly or is otherwise unable to do so, the matter may then be referred to the management of the Sport Inclusion Organisation of the level at which the dispute occurred.

[For example, if the subject of the Personal Grievance relates to interactions at local club level and the parties to the Personal Grievance are unable to resolve it amongst themselves, it may then be referred to the management of that club.]
- (c) Where the relevant Sport Inclusion Organisation or a member of the administration of the relevant Sport Inclusion Organisation is a party to a Personal Grievance, the matter should instead be referred to the management of the Sport Inclusion Organisation of the next level up.

[For example, if a dispute at local Club level involves an individual involved in the running of the Club, it should instead be referred to the relevant state-level organisation.]

3.2 Facilitated Resolution of Personal Grievances

- (a) Subject to this clause 3.2, a Sport Inclusion Organisation to whom a Personal Grievance is referred may either:
 - (i) Refer the matter to the NST for mediation or conciliation with the agreement of the parties to the Personal Grievance and Sport Inclusion Australia; or
 - (ii) With the agreement of the parties to the Personal Grievance, appoint an independent third party to assist in resolving the Personal Grievance in accordance with clause 5.
- (b) If Sport Inclusion Australia or a member of the administration of Sport Inclusion Australia is a party to a Personal Grievance, the matter should instead be referred to the NST and managed in accordance with the processes of the NST Legislation.
- (c) Where a Personal Grievance arises below the national level but is brought to Sport Inclusion Australia for resolution, Sport Inclusion Australia may refer the Personal Grievance to the NST for mediation or conciliation if the parties to the Personal Grievance agree.
- (d) The Personal Grievance will be considered closed under this Policy once the facilitated resolution process conducted by the independent third party or the NST has concluded. Any ongoing issues between the parties to the disagreement must be dealt with by them in their personal capacity, unless either party engages in conduct that would amount to a breach of an Integrity Policy, which should then be handled under the Sport Inclusion Australia Complaints, Disputes and Discipline Policy, or any other Sport Inclusion Australia policy, which should be handled in accordance with the relevant policy.

4. NST Facilitated Resolution of Personal Grievances

- (a) The NST will facilitate the conciliation or mediation of any Personal Grievance properly referred to it under clause 3.2 in accordance with the NST Legislation.
- (b) Where a Personal Grievance is referred to the NST for resolution, all fees and charges (including application fee) will be apportioned evenly between the parties (unless otherwise agreed between the parties), except in circumstances where Sport Inclusion Australia is a referring party and not involved in the substantive Personal Grievance, in which case no fees or charges will be payable by Sport Inclusion Australia.
- (c) Where Sport Inclusion Australia is referring a Personal Grievance between two or more Relevant Persons, Sport Inclusion Australia will make the application for mediation or conciliation, in accordance with the NST Legislation.
- (d) The parties to the Personal Grievance must participate in the NST conciliation or mediation in good faith.

5. Independent Facilitated Resolution of Personal Grievances

- (a) The individual appointed by the Sport Inclusion Organisation as a facilitator to assist in resolving a Personal Grievance must have no connection with the parties or the issues involved in the Personal Grievance. The individual does not require formal qualifications as a mediator or conciliator but must have no connection with the parties or the issues involved in the disagreement and be a person who the Sport Inclusion Organisation considers to be capable of facilitating a discussion to resolve Personal Grievances.
- (b) Any costs associated with appointing a facilitator will be agreed before the facilitated resolution session commences and will be apportioned evenly between the parties (unless otherwise agreed between the parties).
- (c) The facilitator to the discussion may make suggestions about possible ways of resolving the Personal Grievance but cannot impose a resolution. The facilitation process will be concluded either when the parties agree on an outcome, or after 14 days or such longer period as agreed by all parties involved if a resolution of the Personal Grievance cannot be reached.
- (d) The parties to the Personal Grievance must participate in the facilitated discussion in good faith.

6. Role of Member Protection Information Officers

- (a) Relevant Persons are encouraged to contact a Member Protection Information Officer (MPIO) if they require advice about the options open to them or support while going through the Personal Grievance resolution process.
- (b) For the avoidance of doubt, MPIOs cannot be appointed to facilitate discussions under section 5, as they are not considered to be independent.

7. Confidentiality

- (a) All Personal Grievances (and all information disclosed in relation to them), including the outcomes of any facilitated resolution process, will be kept confidential by Sport Inclusion Organisations, and will not be disclosed to any third parties, except as provided in this clause.
- (b) Sport Inclusion Organisations can make the following disclosures:
 - (i) To the parties to the Personal Grievance in relation to the facilitated resolution process.
 - (ii) To any person to facilitate the resolution of the Personal Grievance.
 - (iii) To external agencies so they can respond to any misconduct (e.g., law enforcement agencies, child protection agencies or other government or regulatory authorities);
 - (iv) To other Sport Inclusion Organisations to inform them of the resolution of the Personal Grievance; and
 - (v) As required by law, any court or the NST.

8. National Integrity Framework

The Sport Inclusion Australia National Integrity Framework does not apply to this Policy but sits alongside it. When interpreting this Policy, any provisions inconsistent with the Sport Inclusion Australia National Integrity Framework apply only to the extent of that inconsistency.