



COMPLAINT HANDLING GUIDE



2023

What is in this Guide?

This guide has been designed to provide an easy-to-read option of following the complaint management system of Karting Australia (KA) under the KA Complaint and Discipline of Members By-law (B7).

The KA Complaint Management System is intended to be independent, transparent, and a fair process for those involved, and covered by our policies, in our karting community. The guide is intended to set out the processes for resolving complaints and disciplinary action arising from an individual or organisation engaging in prohibited conduct under the Karting Integrity Framework (KIF). The KIF includes associated policies covering child safeguarding, member protection, competition manipulation, sports wagering and misuse of drugs and medicine. **This does not include complaints in relation to our sporting rules which is governed by the National Competition Rules (NCR).**

The KA Complaint and Discipline of Members By-law is designed to ensure sport integrity related complaints are dealt with efficiently and effectively. This is to ensure everyone in Karting has confidence prohibited conduct will be managed via the most appropriate resolution and discipline system.

What is a Complaint?

There are two types of complaints: Informal and Formal.

Informal Complaint:

Characteristics of less serious complaints include the behaviour or decisions that are:

- Out of character for the person about whom the complaint has been made
- One-off
- Not entrenched
- Low risk of harm/impact on other people

Examples of less serious issues that can be dealt with using informal processes include:

- Favouritism in committee, panel selection
- Mild coarse language, yelling
- Restriction of access to facilities

Suitable options for resolving less serious complaints include the following:

- Provide more information to person who is making the complaint
- Suggest person making the complaint talks directly to the person complained about
- You meet with person who has been complained about
- Informal discussion with all those involved

Formal Complaint:

Characteristics of serious formal complaints include:

- Unlawful behaviour
- Repeated pattern or entrenched behaviour
- More than one person impacted upon
- More than one person perpetuating the behaviour
- Person complaining is unable to address the issue due to a power imbalance or conflict of interest
- Person complaining wants formal disciplinary measures imposed
- Has been unsuccessfully resolved at informal level

Examples of serious issues that should be dealt with using formal processes include:

- Sexual harassment
- Angry, volatile spectators
- Bullying (e.g., hazing, cyber bullying, ostracising behaviour by an individual or group)
- Racial harassment and vilification
- Homophobia
- Extreme inappropriate coaching interactions (e.g., profanities, aggressive/threatening gestures)

Complaints that have been assessed at the ‘serious’ end of the range, lend themselves to a formal process. A formal process requires a written complain using the KA Complaint Form.

What is a Concern?

A concern is when preliminary advice needs to be provided that a member or members may not be complying with KA’s Non-sporting rules. A properly completed KA Concern Form must be submitted as soon as reasonably possible following a suspected incident has or may occur. Concern Forms are submitted to the President/Secretary/Administrator at the level that the incident occurred e.g., at club level to Club President/Secretary or at state level to Member State President/Secretary/Administrator.

If child related concern a copy must also be forwarded to the KA National Integrity Manager at integrityunit@karting.net.au

What is not an Alleged Breach?

An alleged breach does not include an allegation or information:

- a. that does not relate to Prohibited Conduct under an Eligible Policy;
- b. that constitutes a Protected Disclosure;
- c. that is solely a Personal Grievance;
- d. that is mischievous, vexatious, or knowingly untrue;
- e. that has been the subject of a previous complaint; or
- f. where the Respondent is excluded.

Who can be a Complainant?

A complainant can be a person or organisation, including KA, who has information that an Alleged Breach of an Eligible Policy has occurred.

Who can be a Respondent?

A respondent must be a Relevant Person or a Relevant Organisation who is bound by the Eligible Policy they are alleged to have breached. Definitions of a Relevant Person and Organisation are found in KIF.

A respondent cannot be a person or organisation that KA has no jurisdiction over.

Complaint Process for an Informal Complaint

Option 1:

Provide more information to the person making the complaint. This is a good option when:

- you have clear guidelines available, and it appears to be lack of awareness of these
- the person making the complaint is seeking greater understanding
- the complaint is in the early stages of the process

Steps to follow:

- provide person making the complaint with copy of Member Protection Policy, Codes of Conduct and/or relevant guidelines
- explain how these policies relate to the issue/concern

Refer to:

KIF including Member Protection, Code of Conduct.

Option 2:

Person making the complaint talks with the person who the complaint is about. This is a good option when:

- the person who makes the complaint requests this option
- the complaint is in the early stages of the process
- the focus on the person who is making the complaint is to move forward rather than lay blame
- there is not a significant power balance
- the person who is making the complaint is confident and/or isn't concerned about victimisation
- the club can protect the person who is making the complaint against victimisation (e.g., within club policies)
- there is little emotion involved

Steps to follow:

Consider suggesting to the person who is making the complaint that they:

- are sensitive about when and where the talk takes place (e.g., not in front of officials, other drivers, other parents, not when the other person is busy/distracted such as officiating, undertaking a club role)
- avoid being emotional and don't personalise concerns. Provide clear examples (e.g., where, when, who)
- focus on a solution rather than problem (e.g., how to move forward rather than seeking to lay blame)
- take responsibility to help move forward (e.g., offering to contribute to a solution such as volunteering to reduce the workload, becoming an official)

Refer to:

- KIF including Member Protection, Code of Conduct.

Option 3:

You must meet with the person who has been complained about. This is a good option when:

- the problem can be resolved by clarifying your club's policies or guidelines
- there is a power imbalance between the parties
- you yourself have observed the behaviour
- the person who makes the complaint requests this option

Steps to follow:

- find a time to talk privately with the person who has been complained about (e.g., not in front of other drivers, parents)
- let them know that concerns have been expressed but try not to make the discussion personal (e.g., rather than saying the person is alleged to show favouritism and bias towards their own child say there are concerns that children are being treated differently)
- acknowledge their contribution to the club and discuss policies or guidelines that help clarify the club's position on the issue (e.g., member protection, code of conduct)
- ask for their perspective on the issue and what might have led to this being a concern
- ask for their ideas on how to sort out the issue
- check what further support might help them in their role (e.g., training, personal development, mentoring)
- get back to the person who made the complaint with the outcome and monitor the situation

Refer to:

- KIF including Member Protection, Code of Conduct.

Option 4:

Informal discussions with all those involved. This is a good option when:

- the issue is not highly emotive, or aggression isn't involved
- it's appropriate for all parties to hear the same message at same time (e.g., clarifying roles and responsibilities)

Steps to follow:

- find a time and place where you can get the parties together in private and without distraction
- reassure both parties that the focus is on talking openly to try and move forward rather than laying blame
- make sure both parties have equal 'airtime' so they feel heard (e.g., the person making the complaint is concerned about a parent yelling at their child driver, and the parent feels stressed because he/she has too many responsibilities in the club)
- refer to the club's policies and guidelines to clarify and provide direction (e.g., codes of conduct, job descriptions, roles, and responsibilities)
- identify common ground and build on this for workable solutions (e.g., the volunteer needs more support to undertake his/her role)
- allow both parties to suggest solutions (e.g., more parents involve themselves as volunteers, review policies, promote code of conduct)
- follow up with both parties to check the problem is resolved

Refer to:

- KIF including Member Protection, Code of Conduct.

Complaint Process for a Formal Complaint

Complaints that have been assessed at the 'serious' end of the range lend themselves to a formal process. A formal process requires a written complaint using the KA Complaints Form.

For each process there are a range of options from talking directly with the person complained about through to referral to an external government agency. Relevant options for resolving serious complaints include the following (choose the option you believe most appropriate for handling your complaint, or alternatively you may move through several options):

1. Mediation
2. Management Committee hearing and decision
3. Escalation within the sport (to Member State or KA)
4. Referral to external agency

Option 1 Mediation:

This is a good option when:

- the person complaining requests it and the person been complained about is likely to be agreeable to this
- the allegations don't or are unlikely to warrant any form of disciplinary action
- the facts are not likely to be disputed

Steps to follow:

1. Explain to the person complaining and the person being complained about that mediation is a process that may help them understand and explore their issues and find resolution with the help of an independent third party.
2. Get agreement from both parties that they are willing to meet with a mediator to try and sort out their problems.
3. You may have someone appropriate within your club/organisation who is not connected to either party or contact a mediation agency to discuss the issue and arrange mediation if appropriate. Each state and territory have mediation services, either donation or low cost (community mediation and justice centres) or fee for service (referral through a Law Society).
4. Appoint a mediator.
5. Ensure your club Committee monitors the situation and review policies and procedures to prevent the problem from reoccurring

Resources:

Your states Law Society or the Australian and New Zealand Sports Lawyers Association can refer you to legal practitioners who offer mediation services. This would be a fee for service unless otherwise negotiated.

Option 2: Management Committee Hearing and Decision

This is a good option when:

- mediation is not possible
- the parties disagree about what has happened
- there is a potential detriment to either party
- the matter is one better resolved at this level (rather than escalated to the next level of the sport)
- the matter is unlikely to require an external investigation (e.g., child abuse, physical or sexual assault)

Steps to follow:

1. Respond, preferably in writing, to any complaint and explain the process the committee will take in dealing with the complaint.
2. Inform the person being complained about of the allegation and the process the committee will take in dealing with the complaint.

3. Appoint committee members to hear the complaint who are unbiased and don't have a conflict of interest.
4. Ensure both parties get to tell their side of the story before any decision is made by the committee. This may involve both parties attending a committee hearing or providing information to a nominated representative of the committee prior to the committee hearing.
5. Decisions must be based on the facts and could include dismissal of the complaint, disciplinary action, referral to the Member State (or an external body) for further advice, investigation and/or arbitration.
6. Keep both parties informed throughout the process and communicate any decisions as soon as possible, including any right of appeal by either party.
7. Review policies, codes of behaviour and guidelines and communicate these to club members and personnel to prevent further issues arising.

Option 3: Escalation within Sport

This is a good option when:

- there is a possible conflict of interest (or close relationships) between the people on the management committee and any of the parties to the complaint
- it is beyond the skills of the committee and specific expertise, or experience may be required to manage the complaint
- the complaint has not been able to be resolved at the club level
- the issue is more serious than first thought

Steps to follow:

1. Review your club's grievance or complaint policy and procedures to understand how your sport deals with complaints. Ensure all complaints are submitted using the KA Complaints Form.
2. Contact a Member Protection Information Officer within the KA community to discuss the complaint and how your Member State and/or KA could support your club to handle the complaint.
3. If appropriate, refer the complaint to your Member State Administrator and/or KA through the KA Integrity Manager and clarify your club's role.
4. Keep the parties involved informed about the complaints process as detailed in the KA Complaint and Discipline of Members By-law (B7).
5. Protect the person complaining and the person being complained about from victimisation. Manage any gossip or demands from people who know about the complaint.
6. Implement any recommendations and review club policy and procedures.

Option 4: Referral to External Agency

This is a good option when:

- KA's member rules and disciplinary procedures do not enable for your Member State or KA to be involved in the complaint (e.g., your only option may be to seek legal advice)
- the person complaining chooses this option (which can happen at any time during the complaints process)
- after gathering more information, the complaint appears to be very serious
- when the complaint involves harm to a child
- where the issue may be criminal or unlawful
- when an external investigation is required
- whenever you are unsure and need to seek further advice

If You Need Further Assistance?

It is important you feel supported if you are undertaking a complaints process or alternatively if you are part of a complaints process. To assist you in understanding the process under the KA Complaint and Discipline of Members By-law please refer to the following flowchart or contact the KA National Integrity Manager on integrityunit@karting.net.au.

Additional Guidelines and Information Sheets are available to support informal processes through Play By The Rules [Home - Play by the Rules - Making Sport inclusive, safe and fair](#) and Sport Integrity Australia [Protecting Sport Together | Sport Integrity Australia](#).

Karting Australia Complaints Flowchart

If you need information, advice, to make a complaint or to raise a concern in relation to inappropriate off-track behaviour in Karting (such as harassment, discrimination, or abuse) this chart may assist in working out who to contact. Start at the level (club, member state, or KA) that the incident occurred.

Club Level Issue	Member State Level Issue	National Level Issue
<p>Possible First Options</p> <ul style="list-style-type: none"> • Member Protection Information Officer • Refer to your Member Protection Policy • President of Club • KA Complaints Guide 	<p>If not previously contacted, possible first options</p> <ul style="list-style-type: none"> • Member Protection Information Officer • Refer to your Member Protection Policy • Member State Administrator or Executive Committee Member • KA Complaints Guide 	<p>If not previously contacted, possible first options</p> <ul style="list-style-type: none"> • Member Protection Information Officer • Refer to your Member Protection Policy • KA National Integrity Manager • KA National Complaints Officer • KA Complaints Guide
<p>Other Options</p> <ul style="list-style-type: none"> • Member State Organisation • KA National Integrity Manager • Play by the Rules Website • Alternate Dispute Resolution Organisation • State Equal Opportunity Commission <p>If issue relates to a person under 18 years of age, contact:</p> <ul style="list-style-type: none"> • Child Protection Agency • KA National Integrity Manager <p>If issue relates to a criminal offence, contact:</p> <ul style="list-style-type: none"> • Local or State/Territory Police • KA National Integrity Manager 	<p>If not previously contacted, possible option</p> <ul style="list-style-type: none"> • KA National Integrity Manager • Play by the Rules Website • Alternate Dispute Resolution Organisation • State Equal Opportunity Commission <p>If issue relates to a person under 18 years of age, contact:</p> <ul style="list-style-type: none"> • Child Protection Agency • KA National Integrity Manager <p>If issue relates to a criminal offence, contact:</p> <ul style="list-style-type: none"> • Local or State/Territory Police • KA National Integrity Manager 	<p>If not previously contacted, possible option</p> <ul style="list-style-type: none"> • Alternate Dispute Resolution Organisation • State Equal Opportunity Commission • Lawyer (legal advice) <p>If issue relates to a person under 18 years of age, contact:</p> <ul style="list-style-type: none"> • Child Protection Agency • KA National Integrity Manager <p>If issue relates to a criminal offence, contact:</p> <ul style="list-style-type: none"> • Local or State/Territory Police • KA National Integrity Manager
<p>If unsuccessful, unsatisfied, or not resolved</p>	<p>If unsuccessful, unsatisfied, or not resolved</p>	<p>If unsuccessful, unsatisfied, or not resolved</p>
<p>All complaints must be lodged on the KA Complaints Form</p>		
<p>Additional Options</p> <ul style="list-style-type: none"> • Court of Arbitration for Sport (Oceania Registry) • ANZSLA 		

