



**Kissing Point Football Club**

## **GRIEVANCE POLICY**

**Adopted July 2015**

# Kissing Point Football Club

## GRIEVANCE POLICY

### 1. Complaint and Dispute Resolution

1. A complaint or dispute between a member/s and another member/s (in their capacity as members) of Kissing Point Football Club (KPFC), or between a member/s and the Club, or between a member/s and external party/parties, is to be referred to the Member Protection Officer (MPO) of KPFC for assessment. KPFC has in place a dispute resolution process which contains three distinct steps: namely (a) **facilitated negotiation and mediation**; (b) **KPFC deliberation**; and (c) **appeal adjudication**.
2. An initial complaint or dispute may be made to the KPFC Committee by the member's parent/guardian if the member is under 18 years of age.
3. Generally the complaint will be considered if there has been a breach of the Club's Member Protection Policy (see clause 1.5), or a party/parties has acted in a manner prejudicial to the interests of KPFC and/or the sport. The KPFC Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
4. If the KPFC Committee accepts to consider the complaint or dispute, the MPO must: (a) cause notice of the complaint to be served to all parties concerned, (b) give the parties at least 14 days from the time the notice is served to make submissions in connection with the complaint, and (c) take into consideration all submissions made in connection with the complaint.
5. Kissing Point Football Club has adopted the National Member Protection Policy of Football Federation Australia (effective December 2013) which is best practice policy provided by the Australian Sports Commission.

### 2. Facilitated Negotiation and Mediation

1. Facilitated negotiation and mediation is a process whereby the parties to a dispute, who have identified the issues to be negotiated, utilise the expertise of the KPFC MPO to negotiate the outcome. The MPO has an advisory and deliberative role on the content of the matters discussed and the outcome of the process, and may advise on or determine the process of facilitation.
2. If the MPO has a conflict of interest in the issue or with any of the parties, then the facilitator shall be the KPFC President or an appropriate person with delegated authority.
3. The MPO shall assist the parties to identify the disputed issues; develop options; consider alternatives; and endeavour to reach an agreement.
4. The MPO shall assist the parties to reach a settlement. Any agreement shall be in written form and forwarded to KPFC for acceptance, subject to the legal rights available to the parties and KPFC. Once accepted by the KPFC Committee, the endorsed mediation report will be formally circulated to all interested parties.
5. The MPO may advise that a dispute be escalated to KPFC deliberation level or refer the matter to the NSW Police Force if the issue is considered a criminal matter.
6. If all parties are satisfied with the outcome of the mediation process then no further action is required.

### 3. KPFC Deliberation

1. If either party in dispute is unable to negotiate a satisfactory outcome with the assistance of the KPFC MPO, then the process may enter the KPFC deliberation stage, but only upon lodgement of \$75 Deliberation Fee made payable to KPFC by the aggrieved and unsatisfied party. Such fee must be received within seven days of the notification of the mediation report formally sent by the KPFC Committee, together with written notice stating the grounds upon which the mediation outcome is being protested.
2. All parties shall be given the opportunity to state their respective cases orally or in writing, or both at a KPFC Committee Meeting. The Committee shall consider the matter and all submissions made by all parties. The Committee shall also consider the mediation report from the MPO. Any KPFC Committee Member/s with a conflict of interest in the issue or with any of the parties shall excuse themselves from the debate and deliberation.
3. Amongst the deliberations of the KPFC Committee may include, by resolution, expulsion or suspension of the member from the Club.
4. If the KPFC Committee expels or suspends a member, the Secretary must, within seven days after the action is taken, give written notice to the member of the action taken, of the reasons given by the KPFC Committee for having taken that action and of the right of appeal.

### 4. Appeal Adjudication

1. **Appeal adjudication** is the final process in which the parties may present arguments and evidence to a dispute resolution practitioner (the adjudicator) who makes a determination on the dispute. Such appeal will only be considered upon lodgement of \$200 Appeal Fee made payable to KPFC by the aggrieved and unsatisfied party, and must be received within seven days of the written notification of the KPFC Deliberation.
2. The KPFC Committee will approach the Northern Suburbs Football Association or another peak body within the sports industry to assist in the appointment of the adjudicator.
3. The adjudicator shall determine the claim and counterclaim, if any, within ten working days of receiving submissions. The adjudicator may convene a conference of the parties however generally all applications shall be determined solely on the written submissions made by the parties. Together, the parties may extend the timeframe for determination.
4. Subject to the legal rights available to the parties and KPFC, and unless the determination is contrary to or in breach of the Constitution or By Laws of KPFC, the parties and KPFC will accept the determination of the adjudicator without further review or appeal.

**Contact Details (check website for currency)**      <http://kpfc.asn.au/>

- **KPFC Member Protection Officer** Peter Tate      [mpo@kpfc.asn.au](mailto:mpo@kpfc.asn.au)      mobile 0412 476 855
- **KPFC President** David Watson      [president@kpfc.asn.au](mailto:president@kpfc.asn.au)      mobile 0422 806 456

*Adopted 14<sup>th</sup> July 2015*