



Goodwood Cricket Club Inc

Incident Reporting, **Complaints and** **Investigation Policy** **and Procedures**

~~~~~  
Date of issue:

March 2021

*Authorised by:*

*Goodwood Cricket Club Committee*

## POLICY STATEMENT

Goodwood Cricket Club Incorporated ('the Club') has developed this *Incident Reporting, Complaints and Investigation Policy* to establish a mechanism to meet its statutory requirements as an employer and provide members the protection afforded by a robust mechanism to address incidents or complaints that cause harm or loss and to bring about needed improvements and actions in response.

This policy supports the Club to achieve its objectives as set out in the Club Constitution. These objectives include 'to foster and cultivate the spirit of sportsmanship and fellowship amongst the members of the Club' and to 'cater for and promote the game of cricket' in the local area including to 'educate, train, coach and encourage members of the club' in playing cricket<sup>1 2</sup>.

The Club recognises that to achieve those objectives it has a responsibility to provide a safe and welcoming environment for boys, girls, men, and women from a wide range of cultural, racial, and religious backgrounds interested in cricket and sociable community engagement.

### 1. PRINCIPLES, DEFINITIONS AND OUTCOMES

The Club recognises playing cricket, managing an incorporated association, and operating licenced premises poses risk of incidents or complaints causing harm or loss<sup>3</sup>. The integrity of the Club is protected by the establishment of a clear process to manage that risk through a structured incident reporting, complaints and investigation process to enable improvements in Club operations<sup>4</sup>.

To ensure there is an effective mechanism for reporting incidents and raising complaints to address any performance issues, service concerns or complaints about staff or members of the Club, the Committee will:

- clearly communicate an incident reporting and complaints mechanism, including how incidents and complaints will be addressed and how to access independent support, advice and representation (if appropriate)
- resolve complaints and address incidents in a timely, effective, confidential and just manner
- foster a culture of open and honest communication about incidents and complaints raised
- encourage and support the reporting, investigation and resolution of incidents and complaints in order to promote and value the best interests of staff and members and
- seek regular feedback and use it to inform individual and organisation-wide service review and improvement.

#### *Incident report categories*

An Incident Report shall be submitted by any Club Member aware of an incident in one of the following categories they identify which did or could have caused significant loss or harm:

---

<sup>1</sup> See the Objectives of Goodwood Cricket Club in the Club Constitution at 3.1, 3.2, and 3.3

<sup>2</sup> See also Club Vision and Mission Statement: <https://goodwoodcc.com/about/club-policies/>

<sup>3</sup> See: <https://www.community.cricket.com.au/clubs/protecting-your-club/managing-risk>

<sup>4</sup> See: <https://www.community.cricket.com.au/clubs/running-your-club>

1. A 'notifiable incident' or a 'dangerous incident' in regard to a 'worker', which includes a Club employee, volunteer, or contractor as defined by the *Work Health and Safety Act 2012*<sup>5</sup>.
2. Breaches or potential breaches of the *Liquor Licensing Act 1997* or the associated General Code of Practice or any other regulatory requirements including food safety, public health, or environmental standards.
3. Breaches or potential breaches of child safety and welfare standards, or apparent acts of discrimination, harassment, or vilification.
4. An injury or illnesses caused during a club activity that requires medical treatment, time off work or study, or subsequent incapacity to train or play cricket or go about daily activities.
5. Breaches or potential breaches of an obligation under agreements, leases, contracts, or policies endorsed by the Club Committee<sup>6</sup>.
6. An event affecting the Club that is likely to result in a claim on any insurance policy, or involves the loss, destruction, or theft of property, or indicates dishonesty in dealings with the Club.
7. A specific complaint that a Club member has breached any Conduct Policy or Code of Conduct established or endorsed by the Club<sup>7</sup> or any Cricket Australia endorsed Code of Behaviour<sup>8</sup>.
8. Conduct by a Club player that is a serious breach of the Spirit of Cricket, Law 41 'Unfair play', or Law 42 'Player Conduct'<sup>9</sup>, and is not the subject of an external disciplinary process.
9. Events involving Club Members or at Club premises that would result in disrepute being brought on the Club or the sport of cricket.
10. Any other matter the member of the Club Committee responsible for managing risk identifies as an incident requiring a report.

#### *Increased seriousness*

Any incident will be regarded as of increased seriousness if it was:

- committed toward a child under 18 years of age
- part of an act of harassment, discrimination, vilification, or dishonesty
- part of any activity involving drugs or by a person who seemed to be intoxicated.

#### *Sanctions*

If the Club Committee identifies an incident included conduct by a:

- 'member or candidate for membership' that is 'unbefitting the club and the spirit of the game' within the meaning of 6.3 of the Club Constitution, or

---

<sup>5</sup> Per sections 7, 35, 36, and 37 of the *Work Health and Safety Act 2012*

<sup>6</sup> See: <https://goodwoodcc.com/about/club-policies/>

<sup>7</sup> See: <https://goodwoodcc.com/about/club-policies/>

<sup>8</sup> See: <https://www.community.cricket.com.au/clubs/policies/codes-of-behaviour>

<sup>9</sup> See: <https://www.lords.org/mcc/about-the-laws-of-cricket>

- member that is 'discreditable or injurious to the character or interests of the Club' within the meaning of 9.9 of the Club Constitution

the Club Committee shall apply the principles of natural justice and procedural fairness to determine the outcome and any sanctions under 6.3 or 9.9 of the Club Constitution, subject to 'Resolution of Disputes' provision at 16.0 of the Club Constitution.

## 2. SCOPE AND AUTHORITY

This Policy governs all Honorary Members, Honorary Life Members, Playing Members, Temporary Members<sup>10</sup>, volunteers, employees, and all persons attending club facilities or events on and off the field at any other time they may be associated with the Club.

## 3. OPERATIONAL CONTEXT and INCIDENT INVESTIGATION PROCEDURE

The Club is affiliated with the Adelaide Turf Cricket Association, which is associated with the South Australian Cricket Association, which is associated with Cricket Australia<sup>11</sup>. Consequently, the Club and its members are bound by the applicable by-laws, policies, and codes of those bodies.

The Club Secretary is responsible for procedures for receiving complaints, the reporting and investigation of incidents. It is expected that the issues associated with the incident will be detailed by the affected person in writing where appropriate – please refer to Appendix 3 – Incident or Complaint Form. The affected individual may also email [goodwoodcc@gmail.com](mailto:goodwoodcc@gmail.com) or phone call the Secretary via or 0402 438 596.

### *Responsibility of Club Members*

Every Club Member has the responsibility and obligation to assist the Incident and Club Committees by providing frank, truthful, and complete information and access to all applicable records when called upon to do so, including when they become aware of a need to report an incident in accord with this Policy or are identified as a potential witness. Failure to do so may be injurious to the Club's interests and therefore make the member subject to sanction under the Club Constitution<sup>12</sup>.

### *Applicable standards*

Investigations and procedures to resolve complaints, disputes, and reported breaches of any applicable standard of behaviour or conduct concerning volunteers are conducted under applicable Club Policy and procedure, and in consideration of guidance provided to community cricket clubs by Cricket Australia<sup>13</sup> and the South Australian Cricket Association including SACA's *Affiliates and Club Protection policy*<sup>14</sup>, and/or any applicable legislation including the *Work Health and Safety Act 2016* and the *Associations Incorporation Act 1985*.

<sup>10</sup> See the membership provisions in the Club Constitution at 5.1, 5.2, 5.4, 5.5, and 5.6

<sup>11</sup> See Affiliation of Goodwood Cricket Club in the Club Constitution at 4.0

<sup>12</sup> See Goodwood Cricket Club Constitution at 9.9

<sup>13</sup> See: <https://www.community.cricket.com.au/clubs>

<sup>14</sup> See: [SACA's Affiliates and Club Protection policy](#)

### *Natural Justice and Procedural Fairness*

The Club recognises any process which may result in adverse findings against a member, volunteer, or employee requires the principles of natural justice<sup>15</sup>, also called procedural fairness, to apply<sup>16</sup>. The Club describes natural justice and procedural fairness as process by which a person who might be the subject of adverse findings has a right to:

- know the full details of what is being said against them
- have the opportunity to respond at the earliest reasonable stage
- have all relevant information considered in a fair and reasonable manner
- have decisions made by people with no vested interest in the matter and who are unbiased, fair, and just who are acting for a proper purpose
- result in a clear statement of what has been established on the balance of probabilities on the available probative evidence assessed in a logical and reasonable way and
- penalties and sanctions that are fair and proportionate are decided on by people not involved in making the original complaint or conducting the initial investigation.

A person who may be subject of an adverse finding following an investigation shall be given the opportunity to explain the matter from their perspective, to have the contents of the investigation report put before them, and to respond to the contents of the report before it is referred to the Club Committee.

### *Accountability for risk*

The Club Committee is responsible to the Club membership for its effective management of the Club including management of risk. The Club Committee shall appoint one of its members to be responsible for managing risk - Risk Officer -who shall also be responsible for the application of this policy.

The member of the Club Committee responsible for managing risk shall report to Club members including at each Annual General Meeting as to the overall operation of this policy, the general nature and prevalence of incidents in the Club, and the improvement actions taken in response.

### *Incident Committee*

The Club Committee shall establish an Incident Committee to manage the response to incidents or complaints. The Club Secretary is responsible for the establishment of the Incident Committee and for its rules and procedures.

The Convenor of the Incident Committee shall be the Risk Officer of the Club and be independent to ensure integrity in the process. The additional members of the Incident Committee shall include:

- at least one member of the current Club Executive, and
- a life member as identified by the Club Committee.

---

<sup>15</sup> See: <https://lawhandbook.sa.gov.au/ch18s10s01.php>

<sup>16</sup> See: <https://www.playbytherules.net.au/resources/articles/what-is-natural-justice>

### *Investigations*

Investigations<sup>17</sup> are a structured process handled consistent with the principles of natural justice and procedural fairness where applicable<sup>18</sup>. The essential questions an investigation is to address are:

- Who was involved?
- What happened?
- Where did it occur?
- When did it occur?
- Why did it happen?
- How could similar events be prevented from occurring in the future?

An investigation report should present facts and not contain opinions about the incident or what should happen as a result<sup>19</sup>.

### *Incident report*

An incident report should be made in a written format lodged through means determined by the Club Secretary. Regardless of format or how it is lodged, an incident report should make clear:

- Who is making the report
- Who seemed to be involved in the incident
- Where and when the incident seemed to occur
- What seemed to happen
- What made the incident seem serious enough to report
- What the person reporting the incident thinks should be done in response

### *Determination of incident or unresolved complaint*

All incident reports or unresolved complaints shall be received by the Club Committee member responsible for managing risk ('Risk Officer'). The Risk Officer shall assess if the incident report:

1. involves actual or potential harm or loss that is significant, and
2. is within one of the reporting categories listed in this policy.

**If so**, the Risk Officer shall identify if the facts of the incident are sufficiently clear to decide on needed improvements or other actions in response:

- If the facts **are** clear, the Risk Officer shall refer the incident report and their assessment of it to the Incident Committee for consideration by the committee OR
- If the facts **are not** clear, the Risk Officer shall refer the incident report to the Incident Committee for investigation.

---

<sup>17</sup> See: <https://www.playbytherules.net.au/complaints-handling>

<sup>18</sup> See 6.7.1 of SACA's *Affiliates and Club Protection* policy at: <https://www.saca.com.au/about/about/policies>

<sup>19</sup> See: <https://www.playbytherules.net.au/complaints-handling/dealing-with-a-complaint>

- The Convenor may conduct the investigation, or if conflicts of interest or other reasons require, then refer the investigation to another Honorary Life Member of the Club, or a Justice of the Peace, or a commercial investigator.
- The Convenor will provide the completed investigation report to the member who will then make an assessment of the matter and identify needed actions in response.

**If not**, no further action under this policy is required except that the Incident Committee is to be informed at its next meeting that the report was received, the assessment made, and of any actions initiated as a result.

In each case, the Incident Committee shall either:

- endorse the Risk Officer's assessment and actions with or without recommending additional actions, or
- refer the matter for further investigation.

The Minutes of the Incident Committee will note the outcome of every Incident Report and shall ensure these are tabled at the next Club Committee meeting by the Risk Officer, and all investigation reports shall be presented to the Club Committee (as requested). The Club Committee shall in response:

- endorse the Incident Committee's recommendation with or without recommending additional actions, or
- refer the matter back to the Convenor of the Incident Committee for further investigation, or
- make a deliberative determination as to the outcome of any incident, direct improvement actions, and/or determine sanctions to apply to a member or members.

#### **4. MANAGEMENT AND RESOLUTION OF COMPLAINTS**

##### **Providing Feedback**

All Club members, visitors or employees have a right to provide positive or negative feedback on any aspect of the Club's operations for the purpose of service improvement.

The Club Committee must regularly review feedback to understand how their services can improve as well as understanding what is important to members.

##### **Making a Complaint**

All staff have an obligation to encourage members or visitors to make a complaint if they have any issues with an aspect of the Club's services using this complaint process. The preferred contact point for all complaints is the Club Secretary.

When resolving a complaint, it is essential that the Secretary, Risk Officer and Club Committee members actively listen to the affected person in order to understand the core issue(s) and to work collaboratively to resolve the issue(s).

Unresolved complaints will be recorded by the Secretary and provided to the Incident Committee with the following details:

- the name of the complainant and date received
- any issues raised by the complainant
- outcomes sought by the complainant
- efforts to resolve the complaint
- whether information was communicated to the complainant about how to access independent support, advice and representation.

**Formal Complaint Process:**

- i) Where appropriate, parties to a complaint should initially attempt to resolve the matter directly with the individuals involved in a conciliatory manner, only moving to a more formal process if this fails. The Club expects that the aggrieved individual has initially raised the issues with the individual(s) involved (unless the relevant staff member, member or other person is alleged to have committed some unlawful act as part of the complaint, or there are genuine safety issues involved, in which case speaking directly with the Secretary or President would be seen as appropriate).
- ii) When a complaint remains unresolved by the individuals involved, the person directly affected is encouraged to report the matter to the Club Secretary to seek their assistance. The Secretary will acknowledge receipt of the complaint promptly, preferably within 7 days. It is expected that the issues associated with the complaint will be detailed by the aggrieved person in writing where appropriate – please refer to Appendix 3 – Incident or Complaint Form. The affected individual may also email [goodwoodcc@gmail.com](mailto:goodwoodcc@gmail.com) or phone call the Secretary via or 0402 438 596. If the complaint involves the Secretary, the matter should be raised with the President or Risk Officer
- iii) The Secretary or delegate will refer the matter to the Incident Committee who will ensure the core issues are identified, analysed and addressed following fair and accountable processes
- iv) Attempts will be made to resolve the matter through a confidential, conciliatory process where all parties to the complaint are heard and (wherever possible) afforded procedural fairness. Once resolved, both parties to the complaint have some say in how the outcome is recorded and what, if any, information is provided to other affected staff or members
- v) If a complaint remains unresolved, the Convenor of the Incident Committee will refer the matter directly to the Club Committee with a written report of action. The Secretary will acknowledge receipt of the unresolved complaint promptly, preferably within 48 hours. The Secretary will then write to the affected individual(s) in a timely way, acknowledging receipt of the unresolved complaint and the action recommended by the Club Committee to address the outstanding issues
- vi) A complaint may be withdrawn at any time by the person who has made the complaint without suffering any personal or professional disadvantage



- vii) Any final response to the relevant parties from Club management will be via the most effective communication process, observing the principles of procedural fairness and considering any disability access requirements. Any actions that are taken, and the outcomes achieved, will be confirmed in writing and given to the affected parties, including their families, carers and advocates, along with all other relevant documentation to the complaint in an accessible form. In the case of serious complaints, there may be occasions when information is provided to other agencies or recorded on the staff member's personnel record
- viii) Documentation will be recorded and kept secure and confidential until the reported incident is resolved. Documentation will be retained for at least 7 years after any formal reported incident involving a staff member or member (longer if they are a child or Indigenous person).

While the complaint resolution process is being applied to an issue, all staff and affected members must continue to work or participate in accordance with their normal expected duties and comply with any reasonable direction given by either the Secretary or the appointed delegate. The only exception to continuing normal work duties will be if there is a *bona fide* concern arising from the Workplace Health and Safety legislation, applicable at the time of reported complaint.

Confidentiality throughout the process of resolving a complaint is vital so that trust in the integrity of the process can be established and maintained. There will be occasions where the people directly affected by the complaint will agree to release some information; however, no one else should discuss any information outside of the defined formal resolution process. Any staff or member engaging in unprofessional discussion about a reported complaint will be treated as though they are spreading "gossip" and may be subject to disciplinary action as a result.

Anyone raising a complaint or assisting someone to make a complaint that are acting in good faith is protected through this policy from being victimised for their actions.

#### *Disputing an outcome*

If a Club Member disputes a determination of the Incident or Club Committee, then the Club Committee is to follow the 'Resolution of Disputes' provision at 16.0 of the Club Constitution.

While it is expected that the Club will be able to resolve most reported incidents and complaints through its internal processes, employees, members and visitors have the right to contact an external agency for advice or help at any time. These agencies include, but are not necessarily limited to the:

- Adelaide Turf Cricket Association
- Equal Opportunity Commission
- Australian Human Rights Commission
- Relevant Union; and
- Legal Services Commission of SA.

## 5. RESPONSIBILITIES

The Goodwood Cricket Club Committee is responsible for:

- Endorsement and periodic review of this Policy
- Allocation of the responsibility to manage risk to a committee member following the Annual General Meeting
- Ensuring any required resources are available, including for the engagement of any required external service providers
- Overall effective management of risk for the Club
- The improvement actions, including sanctions if required, that follow an incident or complaint.

The President is responsible for:

- Representing this Policy to the membership and other community stakeholders
- To serve on the Incident Committee if nominated.

The Secretary is responsible for:

- Establishment of procedures for the reporting and investigation of incidents within the Club's governance structure in accord with all applicable standards and laws
- Establishment of the Incident Committee including its rules and procedures
- To serve on the Incident Committee if nominated.

The Risk Officer is responsible for:

- Applying this Policy in the Club
- Assessment of each incident report and unresolved complaint submitted
- Convening and providing advice to the Incident Committee
- Conducting investigations withing the principles of natural justice and procedural fairness, including referring investigations where a conflict of interest or another reason require
- Tabling the Minutes of the Incident Committee at Club Committee meetings
- Reporting at each Annual General Meeting on the application of this policy in the preceding year
- Participating in the periodic review of this policy.

Club Members are responsible for:

- The obligation to assist the Incident and Club Committees by providing frank, truthful, and complete information and access to all applicable records when called upon to do so or co-operate as a potential witness
- When they become aware of a need to report an incident in accordance with this Policy to raise it with the Secretary, President or Risk Officer.

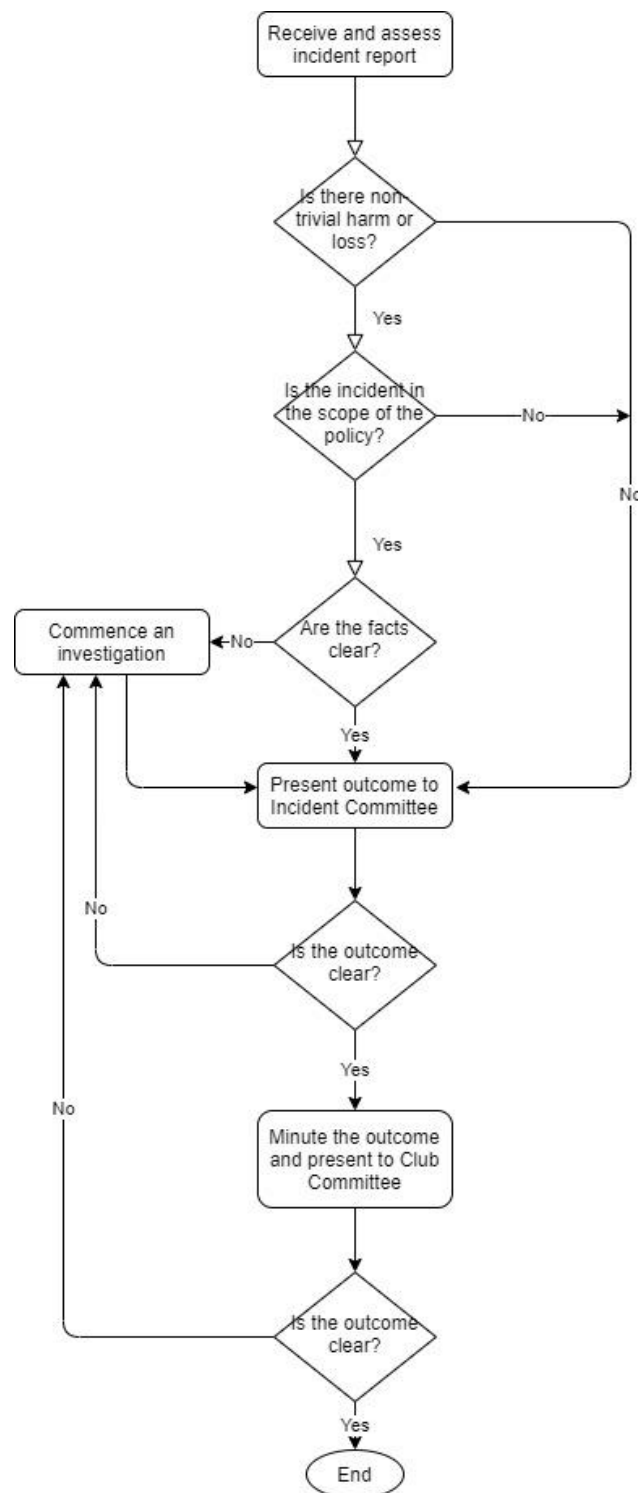
## 6. REVIEW

The Goodwood Cricket Club Committee is responsible for initiating the review of this policy in collaboration with relevant volunteers. It is expected that a thorough review of this policy any procedures will occur every 2 years to ensure compliance with relevant standards.

#### Appendix 1 – Updates and Amendments

| Date of Operation | Sections Updated or Change        | Reasons/Comments                                                                                        |
|-------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------|
|                   | New policy developed and approved | Development of policy as part of club development.<br><br>Authorised by Goodwood Cricket Club Committee |

## Appendix 2 – (Quick, rough draft of) Flowchart of incident and investigation process



## Appendix 3 – Sample Incident Report

To be added as a separate stand-alone document.

## Appendix 4 – Sample Investigation Report

To be added as a separate stand-alone document (when relevant).