



VICTORIA PÉTANQUE CLUBS INC.

Registration No. A0056483K

## VPCI Policy on Complaint Handling Procedures

### **Preamble**

We are fortunate that Complaints by Players and Clubs are few and far between, and those that do occur are usually handled expertly on the day of a Tournament by the Umpire. But Umpires may really only handle Complaints that refer explicitly to the Rules of Petanque. Other Complaints in the first instance must then be referred on to the Tournament Jury if the issue was first raised at a Tournament.

Recently PFA indicated they would be reviewing their Complaints Handling Procedures but have asked the State Leagues to be involved at their own state level in handling certain Complaints. VPCI is the PFA State League in Victoria and we are somewhat constrained in Complaint handling by our own Rules of Association. But we have recently nominated a VPCI Complaints Officer, who for the moment is the VPCI President. So, we have to be clear on what type of Complaints we are prepared to handle.

We will handle Complaints by:

1. A Player against their Club (after all Club internal procedures have been exhausted)
2. A Player against a Club other than their own
3. A Club against another Club
4. A Player against a Player
5. A Club against VPCI

where the Player is a Victorian PFA-licenced Player and the Club is a Member Club of VPCI.

We will not hear Complaints by:

1. A Victorian Club against a Player from that Club (that must be handled by the Club)
2. A Victorian Club against a Club from another State, or vice-versa.

The general proviso is also that for any complaint to be lodged with VPCI that arises from a Tournament (on the day of the Tournament) then the Complaint must first go to the Umpire in attendance, and then if necessary, to the Jury on the day. Only after those avenues have been taken will VPCI consider hearing a Complaint, and in these cases the Complaint must be in writing and received (preferably by email) within 3 working days of the issue that led to the Complaint. And in these cases the Umpire and the Jury will each be asked to provide written statements about the issue and then a hearing, if thought to be appropriate, will be arranged by VPCI within 14 days of the Complaint being received.

## **1. Complaints by Players**

- 1.1. Complaints by a Victorian Player against another Victorian Player or a Victorian Club (other than their own club) that occurs at a sanctioned Tournament must first be first be brought to the attention of the Umpire, and then, if necessary, to the Jury. If after this stage the Player concerned still wishes to follow through on the Complaint it must be made, in writing, within 3 working days of the issue arising and be lodged with the Complaints Officer of VPCI.
- 1.2. Complaints by a Victorian Player against another Victorian Player or a Victorian Club (other than their own club) that occurs outside of a sanctioned Tournament must be made, in writing, within 3 working days of the issue arising and be lodged with the Complaints Officer of VPCI.
- 1.3. Complaints by a Player against VPCI (or a Member of the VPCI Committee) must be made, in writing, within 3 working days of the issue arising and be lodged with the Complaints Officer of VPCI.
- 1.4. Any Complaint by a Player, not covered in Clauses 1.1 through 1.3 inclusive, must be made, in writing, within 3 working days of the issue arising and be lodged with the Complaints Officer of VPCI.

## **2. Complaints by a VPCI Member Club**

- 2.1. Complaints by a VPCI Member Club against another VPCI Member Club or against VPCI (or a Member of the VPCI Committee) must be made, in writing, within 3 working days of the issue arising and be lodged with the Complaints Officer of VPCI.
- 2.2. Any Complaint by a VPCI Member Club, not covered in Clauses 2.1, must be made, in writing, within 3 working days of the issue arising and be lodged with the Complaints Officer of VPCI.

## **3. Complaints Handling by VPCI**

- 3.1. Cases considered initially by the VPCI Complaints Officer to be of an extremely serious nature may immediately be referred to the Victorian Police or other relevant authority, in which case all parties will be informed and VPCI will take no further action but will advise PFA of the Complaint.
- 3.2. Complaints made against VPCI (or a Member of the VPCI Committee) will be handled by a totally independent Tribunal set up by VPCI but involving no Committee Member of the VPCI sitting on the Tribunal. Tribunal determinations will be final and may not be appealed to VPCI.
- 3.3. In all other cases VPCI will, in the first instance, call the parties together in an attempt to resolve the issue by mediation, and will, if necessary, employ an independent mediator.
- 3.4. If mediation fails then the VPCI State Tribunal will be required to hear the Complaint according to PFA Disciplinary Policy. No member of the Tribunal may be from the same Club as any of the parties involved in the Complaint. Tribunal determinations will be final and may not be appealed to VPCI, but they may be appealed to the National Appeals Tribunal.

- 3.5. Determinations of any issues heard through mediation or presented to the Tribunal cannot lead to monetary penalties. Any other penalties thought to be appropriate may be handed down. VPCI and PFA must immediately be advised of any penalty handed down, but the reasons must be held confidential by the Tribunal unless both parties to the Complaint agree the reasons for the penalty may be revealed to the VPCI. In such instances VPCI will keep the matters for the penalty confidential but may advise the Player's Club and PFA of the penalty if it affects a Player's ability to play in sanctioned Tournaments into the future.
- 3.6. For any planned mediation session, the VPCI Complaints Officer will reserve the right to get a written report from an Umpire (if relevant) and/or a Jury (if relevant) and present these at the mediation session or to the Tribunal Chair. Mediation sessions or Tribunal hearings will not be allowed to involve Umpires or Jury members that have been earlier involved in the Complaint.
- 3.7. In all mediation sessions both sides of the case may bring to the hearing one other player or a Club official (from their own Club) to support their case.
- 3.8. In all Tribunal Hearings both sides of the case may bring to the hearing one other Player and one Club official (from their own Club) to support their case.
- 3.9. Tribunal Hearings will require all parties to attend in person (no phone hook-up or video-conferencing will be allowed), but every attempt, within the stipulated time frame, will be made to set up a Tribunal Hearing at a venue and time that suits all parties. In extenuating cases only, the Tribunal Chair reserves the right to delay the hearing so as not to inconvenience any person who may have made prior travel arrangements or has other pressing commitments. Persons who feel they have these reasons to delay a hearing are required to provide evidence in writing within the stipulated 14 days prior to the intended hearing.

#### **4. Confidentiality**

- 4.1. All documents presented to the VPCI Complaints Officer will be kept confidential from all other parties (including other Committee Members of the VPCI) but will be made available, within 3 days of receipt, to the other party in the Complaint. The VPCI Complaints Officer may request further documentation of either party, and this request must be complied with prior to any further progress in hearing the Complaint.
- 4.2. The outcome of a mediation session that is successful in resolving the issue will be confidential and not released to any person or organisation not attending the mediation session. Those parties at the mediation session are also required to observe the confidential nature of the outcome.
- 4.3. Determinations of any VPCI Tribunal Hearings are to be held confidential unless (a) a state law has been considered to have been broken, in which case the matter should immediately be handed over to the relevant authority, or (b) both parties to the dispute agree that the findings may be made public, in which case the finding (but not the reasons, but see Clause 3.5) will be lodged in writing with the VPCI Committee.

- 4.4. No party to a Victorian State Tribunal Hearing may request part of the findings be released and part be kept confidential. Confidential apologies must be kept confidential by all parties. Public apologies that are requested by one party must, by definition, allow the release of any information to be made public, if requested, by the other party.

**Review**

This policy will be reviewed at the first VPCI Committee Meeting of each calendar year, and any changes conveyed to the VPCI Member Clubs and posted on the VPCI website.

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