



# **Water Polo Australia Personal Grievances Policy**

**Version 1 – June 2022**

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## 1. Background

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### 1.1 Purpose

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

### 1.2 Definitions

In this Policy the following words have the corresponding meaning:

**Activity** means a Sport contest, race, 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 WPA or another Sport Organisation.

**Affiliate Member** means a member of a State Member that is an incorporated association or company, including (as applicable) clubs, leagues, districts, regions and zones.

**Authorised Provider** means any non-Sport Organisation authorised to conduct an Activity.

**Member Organisation** means a sporting organisation that is a member of WPA in accordance with the provisions of the WPA Constitution including State Members and Affiliate Members.

**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 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 Organisation, including owners, directors, committee members or other persons;
- (d) Officials including referees, umpires, technical officials, or other officials appointed by a Sport Organisation or any league, competition, series, club or team sanctioned by a Sport Organisation; and
- (e) Support personnel who are appointed in a professional or voluntary capacity by a Sport Organisation or any league, competition, series, club or team sanctioned by a Sport Organisation including sports science sport medicine personnel, team managers, agents, selectors, and team staff members.

**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 WPA Member Protection Policy or does not otherwise engage the rules, policies or by-laws of a Sport Organisation.

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

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

**Relevant Organisation** means any of the following organisations:

- (a) A Sport Organisation;
- (b) An Authorised Provider;
- (c) A team, which means any collection or squad of athletes who compete and/or train in the Sport; and
- (d) Any other organisation that has agreed to be bound by this Policy.

**Relevant Person** means any of the following individuals:

- (a) An individual registered as a member of a Sport Organisation;
- (b) Participants;
- (c) An employee employed by a Sport Organisation or an Authorised Provider;
- (d) A contractor engaged directly or via an organisation to provide services for or on behalf of a Sport Organisation or an Authorised Provider;
- (e) A volunteer engaged by a Sport Organisation or an Authorised Provider in any capacity who is not otherwise an employee or contractor, including directors and office holders, officials, administrators and team and support personnel; and
- (f) Any other individual who has agreed to be bound by this Policy.

**SIA-WPA National Integrity Framework** means the set of “SIA National Integrity Framework” integrity policies produced by Sport Integrity Australia from time to time as adopted by WPA

**Sport** means the sport of water polo as recognised and regulated by Fédération Internationale de Natation from time to time and includes:

- (a) Water polo for athletes with disabilities; and
- (b) Modified forms of the sport developed for junior development and other purposes,

and a reference to Sport means collectively WPA and Member Organisations.

**Sport Organisation** means WPA and each Member Organisation that has adopted this Policy

**State Member** means the legal entity recognised by WPA as the controlling body representing an Australian state or territory and responsible for ensuring the efficient administration of the Sport in the whole of that state or territory.

**WPA** means Water Polo Australia Limited (ACN 159 573 403).

**WPA National Integrity and Policy Framework (NIPF)** means the full suite of policy documents relevant to all Relevant Persons and Relevant Organisations, including but not limited to the SIA-WPA National Integrity Framework. The NIPF can be found on Water Polo Australia website.

## 2. Jurisdiction

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### 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 the Sport.
- (b) The Policy does not apply to the following:
  - (i) A breach of a policy under the SIA-WPA National Integrity Framework;
  - (ii) A breach of another Sport 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; and
  - (vi) Interactions between Relevant Persons and Relevant Organisations that are not related to the Sport and/or are not in their capacity as Relevant Persons or Relevant Organisations.

## 3. Dealing with Personal Grievances

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### 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 Organisation at the level at which the dispute occurred. [Annexure B](#) outlines the process visually.

*[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 Organisation or a member of the administration of the relevant Sport Organisation is a party to a Personal Grievance, the matter should instead be referred to the management of the Sport 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 Member State.]*

### 3.2 Facilitated Resolution of Personal Grievances

- (a) Subject to this clause 3.2, a Sport 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 WPA; or
  - (ii) Appoint an independent third party to assist in resolving the Personal Grievance in accordance with clause 5 with the agreement of the parties to the Personal Grievance.
- (b) If WPA or a member of the administration of WPA is a party to a Personal Grievance, the matter should instead be referred to the NST and managed in accordance with the NST Legislation.
- (c) Where a Personal Grievance arises below the national level but is brought to WPA for resolution, WPA may refer the Personal Grievance to the NST for mediation or conciliation with agreement of the parties.
- (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 Personal Grievance 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 WPA Complaints, Disputes and Discipline Policy, or any other WPA policy, which should be handled in accordance with the relevant policy.

#### **4. NST Facilitated Resolution of Personal Grievances**

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- (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 WPA is a referring party and not involved in the substantive Personal Grievance, in which case no fees or charges will be payable by WPA.
- (c) Where WPA is referring a Personal Grievance between two or more Relevant Persons, WPA 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**

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- (a) The individual appointed by the Sport 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 be a person who the Sport 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**

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- (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**

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- (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 Organisations, and will not be disclosed to any third parties, except as provided in this clause.
- (b) Sport 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 Organisations to inform them of the resolution of the Personal Grievance; and
  - (v) As required by law, any court or the NST.

## **8. WPA National Integrity and Policy Framework**

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This Policy sits within the broader WPA National Integrity and Policy Framework (NIPF) ([Annexure A](#)). Within the NIPF, the SIA-WPA National Integrity Framework does not apply to this Policy but sits alongside it. When interpreting this Policy, any provisions inconsistent with the SIA-WPA National Integrity Framework apply only to the extent of that inconsistency.

# WPA National Integrity and Policy Framework

## SIA-WPA NATIONAL INTEGRITY FRAMEWORK

(Policies developed by Sport Integrity Australia and standardised across sports)

1. National Integrity Framework
2. Competition, Manipulation and Sports Wagering Policy
3. Member Protection Policy
4. Child Safeguarding Policy
5. Improper use of drugs and Medicine Policy
6. Anti-Doping Policy
7. Complaints and Disputes Policy

## WPA POLICIES

8. Code of Conduct
9. Think.Act.Play Guidelines
10. Personal Grievances Policy
11. Conduct and Disciplinary Policy
12. Review and Appeals Policy
13. Selection Appeals Policy
15. National Selection Policy
16. National Age Group Selection Policy
17. Water Polo Membership and Registration Policy
12. Concussion Policy
13. Sports Supplements Policy
15. Conflict of Interest Policy
16. Privacy Policy
17. Membership & Registration Policy
18. Competition and Technical Rules \*
19. Governance Policy
20. Whistle-blower Policy
21. Social Media Policy
22. Privacy Policy
23. Travel Policy
24. Refunds Policy
25. Alcohol, Drugs and Other Substances Policy
26. Sun Protection Policy
27. WPA Technical Rules \*
28. Tournament Eligibility Rules
29. WPA Referee and Technical Delegate Selection Guidelines \*
30. Coach Selection Policy \*
31. Breath Holding Training Position Statement

\* Currently under review



## Annexure B

### Complaint Management Process



