



COMPLAINT POLICY

Community Radio Broadcasting Codes of Practice

Code 7: Complaints

Review: November 2020

WYNFM COMPLAINTS POLICY

WynFM believes that as a community station, it is our responsibility to represent the community interests and the specific community groups operating within our area. As such, any complaints are of great interest to us in helping us to better meet the needs of the community.

Any person (a complainant) may make a complaint about a person bound by this Policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of this Policy.

It is a breach of this Policy for any person bound by this Policy to do anything contrary to this Policy, including but not limited to:

- breaching any schedule of this Policy;
- bringing WynFM into disrepute, or acting in a manner likely to bring WynFm into disrepute;
- failing to follow policies (including this Policy) and procedures for the protection, safety and well-being of children;
- discriminating against, harassing or bullying (including cyber-bullying) any person;
- victimising another person for making or supporting a complaint;
- engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- verbally or physically assaulting another person, intimidating another person or creating a hostile environment;
- disclosing to any unauthorised person or organisation any WynFm information that is of a private, confidential or privileged nature;
- making a complaint that they know to be untrue, vexatious, malicious or improper;
- failing to comply with a penalty imposed after a finding that the individual has breached this Policy; and
- failing to comply with a direction given to the individual as part of a disciplinary process
- any alleged non-compliance with the licence conditions specified in the Act;
- inappropriate program content; and
- the general service provided by Members to the community.

WynFM takes all complaints seriously and will apply the principles of procedural fairness, and ensure:

- all complaints are taken seriously and dealt with promptly, sensitively and confidentially;
- complaints are resolved in a fair, timely and effective fashion;
- the respondent is provided with the allegations against them and is given the opportunity

to respond to those allegations;

- irrelevant matters will not be taken into account;
- decisions will be unbiased; and
- any penalties imposed will be reasonable.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then it may need to be reported to the police and/or relevant government authority.

1. Complaints Handling Procedure – Complaints made by people bound by this Manual

Step 1: Talk with the Other Person (if safe, reasonable and appropriate)

If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the problem with them directly.

Step 2: Contact WynFM

If step 1 is not appropriate and you do not feel comfortable approaching the said person, you should discuss your complaint with President of WynFM.

They will:

- listen carefully and ask questions to understand the nature and extent of the concern;
- ask what the complainant how they would like their concern to be resolved and if they need any support;
- explain the different options available to help resolve the complainant's concern;
- inform the relevant government authorities and/or police, if required by law to do so; and
- where possible and appropriate, maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, WynFM will assist, where appropriate and necessary, with the resolution process. This may involve:

- supporting the person complaining to talk to the person being complained about;
- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- gathering more information (e.g. from other people that may have seen the behaviour);
- seeking advice from WynFM or from an external agency;
- referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency; and/or
- assisting the complainant to lodge a formal complaint in accordance with step 3.

You may use the form set out in **attachment 1** to this policy to provide WynFM with your

informal complaint.

Step 3: Formal Complaint

If it is not possible or appropriate to resolve your complaint through an informal process outlined in Step 2, you may make a formal written complaint to WynFM, specifying:

- the nature of your complaint;
- the respondent(s);
- the allegations made against the respondent(s)
- particularisation of your allegations against the respondent(s); and
- the relevant policy and section that the respondent(s) allegedly breached.

You may use the template document set out in this policy in **attachment 2** and titled 'Formal Complaint' to complete details of your complaint. If your formal complaint fails to address any of the above items in requisite detail, we may refer the complaint back to you for further information and clarification before attending to step 4.

At any stage of the process, a person can seek advice from an anti-discrimination commission or other external agency and, if the matter is within their jurisdiction, may lodge a complaint with the anti-discrimination commission or other external agency.

After receiving a formal complaint, and based on the material you provide, we will decide whether:

- we are the most appropriate entity to receive and handle the complaint;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, we will take into account:

- whether we any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
- your wishes, and the wishes of the respondent(s), regarding how the complaint should be handled;
- the relationship between you and the respondent(s) (e.g. an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway; and
- whether an internal or external investigation is required.

Step 4: Investigating the complaint

Once a formal complaint is received, we will investigate your complaint confidentially. The investigation process will be undertaken by an unbiased person. Depending on the nature of the allegations, we may resolve to appoint an external investigator of our choice.

Any investigation will be conducted in accordance with principles of procedural fairness to all people involved.

In investigating a complaint, the investigator will:

- interview the complainant and record the interview in writing;
- provide full details of the complaint to the respondent(s) so that they can respond;
- interview the respondent(s) to allow them to answer the complaint and record the interview in writing;
- obtain statements from relevant witnesses and collect other relevant evidence;
- make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint)
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded);
 - mischievous, vexatious or knowingly untrue.
- provide a report to the Secretary of WynFM documenting the complaint, the investigation process, the evidence, and its findings and recommendations.

WynFM will provide a summary of the key elements of the report to the complainant, which will document a summary of the complaint, the investigation process and key points from the investigation.

The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person.

Step 5: Disciplinary Sanctions

Following receipt of the investigation report from the investigator (if applicable), WynFM may take disciplinary action against anyone found to have breached this Policy or made false and malicious allegations. Any disciplinary measure imposed under the Policy must:

- be fair and reasonable;

- be based on the evidence and information presented and the seriousness of the breach; and
- be determined by our constituent documents and policies.

Possible sanctions that may be taken include:

- a direction that the individual make verbal and/or written apology;
- counselling of the individual to address behaviour;
- suspension or termination of membership, participation or engagement in a role or activity of WynFM; or
- any other form of discipline that we consider fair, reasonable and appropriate.

Step 6: Appealing a Decision

The complainant or respondent may be entitled to lodge an appeal against a decision made in relation to a complaint (including a decision where disciplinary sanctions are imposed) to ACMA.

2. Vexatious Complaints & Victimisation

WynFM aims for the complaints procedure to have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the President of the WynFM considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be investigated for appropriate action which may include disciplinary action against the complainant.

WynFM will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

3. Complaints Handling Procedure – Complaints made by Callers/Visitors

Step 1: Talk with the Caller

If you feel confident and comfortable to do so, listen to the caller and/or visitor to discuss the issues and try and resolve the problem with them directly. Thank the caller or visitor for bringing this matter to your attention and take their details to attempt to resolve the problems.

If you are unable to resolve this problem informally, inform them that the complaint will be passed to the WynFM's management and they will receive a response within 14 days.

Step 2: Contact WynFM

Even if the complaint was solved at the time, you are required to advise WynFM of the call and/or visit of the complaint.

WynFM will contact the complainant and:

- a) thank them for bringing the matter to our attention, advise them that the matter is being reviewed/investigated and that we will write to them formally within 6 weeks to advise what action we have taken;
- b) if the original complaint was not in writing, ask them to confirm that by way of a written letter or email.
- c) if the complainant indicates that they still require a written response, WynFM will investigate the complaint and follow procedures outlined above in Steps 3, 4 and 5;
- d) after the matter has been decided (and where appropriate, reviewed by the Board), a letter signed by the Executive Officer is to be sent to the complainant within 60 days of the complaint being received in the appropriate form, advising what action has been taken and inform complainants that they have a right to refer their complaint about a code matter to ACMA if they are not satisfied with their response.

4. Complaint Records

WynFM will record a copy of all complaints, including logging tapes or audio copies of broadcast material and written documentation for a period of no less than twelve months.

Documents related to this policy

Community Radio Broadcasting: Codes of practice:

Code 2 Principles of diversity and Independence

Code 3: General programming

Code 7: Complaints

WynFM Community Radio Inc Constitution

WynFM Community Radio Inc Policies

- Volunteer Policy
- Health and Safety Policy

- Social Media Policy
- Diversity Policy
- Internal Conflict Resolution Polic

ATTACHMENT 1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

Name of person receiving complaint		Date: / /
Complainant's Name	Over 18	Under 18
Role/status (i.e. listener / member / parent)		
Location/event of alleged issue		
Program (if applicable)		
Date and time of Program Broadcast (if applicable)		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds)	Harrassment Sexual/sexist. Race Religion	Discrimination. Verbal abuse Sexuality. Offensive material Bullying Physical abuse Disability Victimization

Can tick more than one issue	Pregnancy Personality clash
What they want to happen to fix the issue	
What they are going to do now	

Attachment 2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	Over 18 Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone:	Email:
Complainant's Role/status		
Name of person complained about (respondent)	Over 18	Under 18
Respondent's Role/status		
Location/event of alleged issue		
Program (if applicable)		
Date and time of Program Broadcast (if applicable)		
Description of alleged issue		

<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p>Harrassment Discrimination. Verbal abuse</p> <p>Sexual/sexist. Sexuality. Offensive material</p> <p>Race Bullying Physical abuse</p> <p>Religion Disability Victimisation</p> <p>Pregnancy Personality clash</p>
<p>Methods (if any) of attempted informal resolution</p>	
<p>Formal resolution procedures followed</p> <p>[outline]</p>	
<p>If investigated: Finding –</p>	
<p>If went to hearing tribunal:</p> <p>Decision –</p> <p>Action recommended –</p>	
<p>If mediated:</p> <p>Date of mediation:</p> <p>Were both parties present:</p> <p>Terms of Agreement:</p> <p>Any other action taken:</p>	
<p>Resolution</p>	<p>Less than 3 months to resolve</p> <p>Between 3 – 8 months to resolve</p> <p>More than 8 months to resolve</p>
<p>Completed by</p>	<p>Name:</p> <p>Position:</p>

	Signature:.....
Signed by:	Complainant: Respondent: