

# **WEST GIPPSLAND COMMUNITY RADIO INC (A0028524C)**

## **COMPLAINTS POLICY**

### **RATIONALE:**

We acknowledge the rights of our listeners, members and volunteers to make complaints in writing about alleged non-compliance with both the licence conditions in the Broadcasting Act, and the requirements outlined in the Codes of Practice.

We will make every reasonable effort to resolve complaints, except where a complaint is clearly frivolous, without sufficient grounds, or not made in good faith.

### **INTERNAL COMPLAINTS:**

#### **DEFINITION OF AN INTERNAL COMPLAINT:**

- A. An Internal Complaint may be made about a program by a listener who is a member of West Gippsland Community Radio.
- B. An Internal Complaint may be made by a member of West Gippsland Community Radio about the behaviour of another member, or group of members.
- C. An Internal Complaint may be made by a member of West Gippsland Community Radio against the policy or practice of the Board.
- D. An internal complain may be made by a member of West Gippsland Community Radio about an apparent breach of Rules, By-Laws or Policy by another member or group of members.

#### **DEFINITION OF AN EXTERNAL COMPLAINT:**

An external complaint is one made by a person who is not a member of West Gippsland Community Radio.

### **POLICY:**

A complaint in writing, made by a member, listener or volunteer, will be treated with respect, acknowledged in writing, fully investigated and documented.

Complainants will be advised of their rights, including their right to make further complaint to ACMA, and provided with a copy of the Codes of Practice.

Complaints will be finalised and the complainant notified of the outcome in writing within 60 days of receipt.

All documentation will be retained for at least two years, and submitted to ACMA upon request.

Any participant in the complaint is entitled to seek mediation from an outside source.

The subject of complaint is entitled to know who lodged the complaint if the complaint has not been found to be valid. The subject of the complaint may then choose to initiate dispute procedures

## **PROCEDURES:**

*In the case of A and D:*

### **Volunteer Who Takes the Initial Call:**

You are not expected to solve the complaint.

If you are on air, explain to the complainant that you are on air, and that for complaints to be acted upon they must be addressed to the Station Management Convenor, preferably in writing.

Resist the temptation to comment, explain or excuse.

Write an account of the phone call in the phone register as soon as possible after the phone call, without mentioning the name of the person being reported.

Contact Station Management Convenor with a full account of the complaint as you heard it, identifying the persons involved.

### **Station Management Convenor:**

Take detailed notes of the complaint.

If the complainant is identified, acknowledge the receipt of the complaint in writing.

Inform the President of the complaint.

Listen to the tape of the program, transcribing any offending material.

Inform the member of the complaint, including a transcription of the offending material. Offer the member a tape of that section of the show.

Identify how the material has contravened Programming Policy, Code of Practice or Broadcast Law.

***Note: This procedure also applies to External Complaints, except that the complaint must be made in writing and include the contact details of the complainant .***

***Anonymous complaints cannot be formally acknowledged, though they will be investigated.***

### **Dealing With the Complaint:**

**If it is a first offence,** offer re-training in this area. This should include reading by the member of the relevant regulatory material.

**If it is a second offence,** a letter will be sent explaining the nature of the offence and notifying the member of the potential for further disciplinary action if there is any further offence.

**If it is a further offence,** inform the member that a meeting will be held with a panel of Board members, and if it is broadcasting offence, that until that meeting has been held, the member is suspended from air.

At the meeting, fully brief the member and the Panel in writing. Give the member a hearing, and answer any questions of interpretation or policy.

Offer the member a chance to sign an agreement covering future behaviour, including consequences of further offences.

Provide copies of signed and witnessed document to all parties present, reserving one for the Board.

Report to the Board.

Notify the subject of the complaint and the complainant in writing of the outcome, within sixty days.

**If the member refuses to sign the undertaking, or repeats the offence, incurring further complaint:**

Establish the truth of the complaint and refer the matter to the Board for further action.

*In the case of B:*

If you have a problem with the behaviour of another member or group of members:

First, you must speak to the person or persons about the problem.

If this doesn't fix the problem, or the person refuses to discuss it with you, then you can seek help from the Convenor of Station Management.

If there is no satisfactory outcome from this, or if your problem is with the Convenor, then you should let the President of the Board know that you have an unresolved problem.

You must keep the President informed of the outcome of any further discussions between you and the subject of your complaint.

The problem will be raised at the next Board meeting, and formal mediation will be arranged through an ad hoc Sub-Committee, unless mediation from an outside body is preferred.

The outcome of mediation is binding upon all parties.

**Time Limits:** Once you have spoken to the other person, the dispute must be resolved within 14 days. If it has not been resolved, mediation must take place within 10 days. These time limits can be flexible, with the agreement of both parties, as long as there is an assurance that the situation is being dealt with in good faith.

*In the case of C:*

In this case, write to the Board, addressed through the Secretary, and the matter will be handled according to the Constitution, with the time limits operating from the date of the meeting at which the issue was raised.

Mediation may be carried out by an ad hoc Sub-Committee, but if you prefer to have mediation from outside the organization, that will be arranged through the Dispute Settlement Centre of Victoria (Department of Justice).

**History:**

23/03/09 Accepted by Committee as a compilation of current policies and procedures, to be reviewed in twelve months' time.

**Documents Related to This Policy:**

Community Broadcasting Codes of Practice Codes 1 and 7

West Gippsland Community Radio Inc. Standing Orders

West Gippsland Community Radio Inc. Dispute Policy

West Gippsland Community Radio Inc. Discipline Procedure

West Gippsland Community Radio Inc. Rules

West Gippsland Community Radio Inc. Duty Statement – President

West Gippsland Community Radio Inc. Duty Statement – Station Management Convenor

**Compliance:**

West Gippsland Community Radio Inc. affirms the right of presenters to participate in discussions of policy, and the responsibility of presenters to accept and implement policy decisions.

Presenters who believe that their rights as defined by this policy have been infringed, have recourse by Complaint to the Board, and access to the Grievance Policy as specified in the Rules (Clause 7B; 1-6)

Presenters who do not comply with the responsibilities defined by this policy are subject to disciplinary action as defined in the Rules (Clause 7A; 1-10).