

## MPIO – Member Protection Information Officer

Laurie Niven

Because of the Sport and Rec “Play by the Rules” rules, we now have a Registered MPIO, and it’s me.

I acceded to Peta’s request a couple of years ago and this year finally there was a date for a face-to-face training session that I was actually able to attend, so I spent about 3 days doing the pre-requisite on-line modules and then in February half a day at a venue in Carlton to have my form stamped. In a nutshell ...

What is the purpose of an MPIO?

- To be a first point of call for an orienteer with a complaint
- To be a sounding board for them – which could include eliciting what outcome they are after
- to give them information about what their options are

The idea is that I

- remain impartial
- am supportive
- provide useful information
- respect their confidentiality

whilst at the same time nevertheless

- not intervening
- not giving direct advice
- not investigating
- not taking sides or judging

After talking with me, the unhappy orienteer might decide that there is not a problem really, or that the issue is relatively minor and they don’t want to take it any further, or that they are happy to work out their own resolution of it independently.

On the other hand, they might want to

- seek an *informal* mediated resolution with the help of an acceptable third person
- or have their issue dealt with in a more *formal* way, perhaps
  - o by a trained mediator
  - o by an independent panel or
  - o by an external organisation

Our formal internal procedure also allows for an appeals process, where the complaint is reheard by a different person/panel and the decision is reviewed.

In some situations, the person with the complaint may need to approach an external body for advice or action eg in cases of discrimination, sexual or racial harassment, or unlawful behaviour. In some cases the MPIO might have a duty to immediately refer it, eg child abuse.

My summary of what is in the OA Manual is on the next page (no flowchart prepared yet).

### Current issues for me:

1. John Harding is OA’s Executive Officer. Within Victoria, is this Peta?
2. Should we have a Complaints Officer? This is NOT meant to be me.
3. Do we have any trained mediators in our orienteering community?
4. Are you happy with the OA timelines?
5. If a panel (“Member Protection Tribunal”) was to be convened, who might be on it?

And perhaps most importantly:

6. **Is there a more practical way to deal with pre-event disputes more quickly?**

## OA Operation Manual – What to do if you have a complaint ...

1. Try to sort it out yourself
  2. Talk with the MPIO
  3. Decide what you want to do next  
(which could include informal mediation with help of a third person)
  4. Do something more formal
    - Formal complaint to ...John Harding (OA Exec Officer or OV ...??)
    - Get external advice / take external action
  5. If OA Exec Officer or OV ...?? Receives it, they must decide
    - Appoint someone to investigate / handle it \*, or
    - Refer it to informal or formal mediation
    - Refer it directly to a Member Protection Tribunal
    - Refer it to the police or other authority
    - If any administrative or other arrangements should occur meanwhile
- \* Any investigator (complaints handler / officer) would need to
- talk to both sides
  - investigate the situation
  - decide what should happen next, including possibility of mediation / tribunal
6. **Report** - Compliant handler reports back in writing to OA Exec Officer or OV ...??
  7. **Appeals** - Either side can appeal, which could mean a tribunal is actually convened, or there is a rehearing
  8. **Documentation** - The OA Exec Officer or OV ...?? carefully documents everything; there are forms in the Manual
  9. There are also a few notes about external procedures

### 1.20 Conflict Resolution Guidelines – timelines:

- Written notification to everyone (other party and Exe Officer OA – no mention here of OV)
- 7 days to nominate representatives
- 21 days to try to resolve it
- 21 more days for mediator to be appointed
- 21 more days for mediator to resolve it
- No resolution – can commence court proceedings

### Member Protection Tribunal

3 people including chairperson with legal knowledge; no perceived conflicts of interest allowed

OA Exec Officer or OV ...?? informs parties in writing of date, time, venue etc

Closed hearing (people directly involved only), and no legal representatives

Detailed process - witnesses, verbal / written submissions

Private deliberation; majority vote; decision announced in presence of all involved, then in writing by chair within 48 hours to OA Exec Officer or OV ...??

One appeal possible if denial of natural justice, or disciplinary measures = unjust/unreasonable – within 7 days – fee \$100 – if grounds, new panel, same process, fee refunded – appeal tribunal decision is final.