



Alive 90.5 FM – Your Sound, Your community

9/92 Seven Hills Road, Balcombe Heights Estate, Baulkham Hills 2153

Policy 5 – Complaints Process

The Community Radio Codes of Practice (the Codes) set out the guiding principles and policies for programming on community broadcasting stations.

They also outline the operational standards for stations that hold a community broadcasting licence.

Purpose

To outline our legal requirements relating to complaint handling

1. 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 Act and the requirements outlined in the Codes.
2. 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.
3. We will ensure that:
 - a. complaints will be received by a responsible person in normal office hours and receipt is acknowledged in writing,
 - b. complaints will be conscientiously considered, investigated if necessary, and responded to substantively as soon as possible,
 - c. complaints will be responded to in writing within 60 days of receipt, as required by the Act, and the response will include a copy of the Policy and Procedures, and
 - d. complainants are advised in writing that they have the right to refer their complaint about a Code matter to ACMA provided they have first:
 - i. formally lodged their complaint with the licensee in writing, and
 - ii. received a substantive response from the licensee and are dissatisfied with this response or have not received a response from the licensee within 60 days after making the complaint.

Process

A written complaint or response can be a letter, fax, or email.

Complaints emailed are to be sent to board@alive905.com.au and a member of the board will be allocated to be responsible for consideration.

A responsible person of the licensee will maintain a record of complaints and responses for at least two years from the date of the complaint. The record of complaints and responses will be made available to ACMA on request.

Policy 5 - Procedures for Disciplinary Action and Dismissal of

Volunteers

Volunteers are an invaluable resource to Alive 90.5 FM and our primary aim is to encourage and support their contribution to the station.

However, it is also recognised that there may be times when a volunteer needs to be counselled, disciplined, and perhaps dismissed. Alive 90.5 FM undertakes to handle such situations in the utmost professional manner, ensuring communication between the station and the volunteer is clear, fair, objective and remains within the policy outlined below.

Further, the committee of management will reflect on its own operation and the station's as a whole and consider, in the instance of disciplinary measures or dismissal, the circumstances surrounding the behavior which lead to this action.

The following questions will guide this process:

1. Have the roles, values and expectations of the organisation been clearly communicated to the volunteer and subsequently reinforced during prior conversations regarding the volunteer's performance?
2. Are there any other factors that may be contributing to the volunteer's poor performance e.g., learning difficulties or language barriers?
3. Has the volunteer been reminded of expected codes of conduct and consequences for breaches?
4. Has the volunteer received training / mentoring and or coaching to improve performance?
5. Has a verbal and written warning been given to the volunteer explaining that any further noncompliance will result in termination of the volunteering opportunity?
6. Did the volunteer have the opportunity, to respond to prior verbal and written warnings?

PURPOSE

This document outlines the process for disciplinary measures and dismissal procedures. It aims to provide a clear and fair structure for this process which is easy to follow and understandable to both management and volunteers.

This policy includes an appeals mechanism to ensure a 'right of reply' to a volunteer who has been disciplined. This is further complemented by Alive 90.5 FM Grievance and Dispute Resolution policy and procedure, which may be used a situation where a volunteer feels they have not been fairly heard or that the Grounds and Procedures for Disciplinary Action and Dismissal of Volunteers has not been adequately followed.

This document does not include the procedure for expulsion of a member from the association. This process is laid out in the CONSTITUTION – CUMBERLAND COMMUNITY RADIO INC.

POLICY

1. The process for disciplinary action is a three-step process which includes
 - a. First formal notice in writing
 - b. Second formal notice in writing
 - c. Notice of dismissal of the volunteer from duties
2. For issues that are considered minor a conversation with the volunteer may be appropriate; however, this will not be considered part of the formal disciplinary action. (Although it may be referred to in later action.)
3. Written notice will include details of the issue and, where feasible, evidence. In a case where the disciplinary measure has been instigated by a complaint, it may be appropriate to include a copy (with identification removed) or extract of this complaint.
4. Further disciplinary actions, such as a suspension of volunteer duties for 6 months may also be deemed appropriate. In such cases these actions will be included with the formal notice in writing.
5. Every effort will be taken to ensure that notice of a disciplinary measure, whether formal or informal, will be given at an appropriate time, e.g., not immediately prior to, or during a broadcast
6. Notice of a disciplinary measure will be given by a designated [staff / board member], written notice by email or post.
7. Volunteers will also be provided an appeal against the action. This may take the form of a meeting with the appropriate staff or board member, or a representation in person and/or in writing to the board of management (as written in the Constitution).
8. The volunteer may bring a representative to any such meeting if they choose, as a support person only, not a legal process. If any lawyers are present this will mean the mediation will cease, and matters referred to station's legal representation.
9. Should this appeal result in a change in the disciplinary action, or removal of it, this will be confirmed in writing to the volunteer.
10. Conduct which may lead to disciplinary action includes, but is not limited to:
 - a. Poor timekeeping and unreliability
 - b. Not following pre-existing station rules and policies, including programming, policies and program briefs.
 - c. Engaging in acts or broadcasts which may breach the Community Radio Codes of Practice.
 - d. Engaging in broadcasts which may breach other related legislation such as the
 1. Broadcasting Services Act 1992 (which includes sponsorship provisions),
 2. copyright or defamation (includes use of platforms like, but not limited to, YouTube or streaming services).
 - e. Inappropriate handling or use of station equipment or other property.
 - f. Rudeness or hostility towards other volunteers or staff members.
 - g. Intoxication through alcohol or other substances during working/broadcasting hours.
 - h. Publicly bringing Alive 90.5 FM into disrepute.

- i. Breaching legislations', like and not limited to, giving medical or legal advice on air without industry qualifications and board approval.

11. Some conduct may be tantamount to 'gross misconduct', in this instance a volunteer may be dismissed without prior warning.

12. Conduct which may be classed as gross misconduct may include, but is not restricted to:
 - a. Verbal or physical harassment of any other volunteer, employee, member or guest of Alive 90.5 FM, particularly in respect of race, sex or religion.
 - b. Wilful damage to or theft of property belonging to Alive 90.5 FM or other volunteer, employee, member or guest of Alive 90.5 FM.
 - c. Falsifications of any of the organisation records for personal gain.
 - d. Commercial misrepresentation of Alive 90.5 FM.

13. In a case of a volunteer being dismissed without prior warnings the volunteer will be provided an appeal as outlined in point 7