

COMPLAINTS AND CONFLICT RESOLUTION

Information

The following pre-recorded announcement will be made at least 4 times per 24 hour period;

“SWR TRIPLE 9 FM subscribes to the Community Broadcasting Code of Practice. The code outlines standards relating to program content such as news and current affairs, Australian music and sponsorship.

The code also outlines the principles of diversity, independence and volunteers as fundamental to community broadcasting.

If you have a complaint regarding something you have heard on this station, write to SWR TRIPLE 9 FM, PO Box 221, Doonside NSW 2767 or email office@swr999.com.au. If you would like a copy of the code please write to us, or visit our website at www.swr999.com.au”

Complaints Recording

All complaints, no matter how trivial or severe, no matter where or who they come from, will be recorded on a “SWR TRIPLE 9 FM Breach Report” form and be subject to the SWR TRIPLE 9 FM Complaints Procedure as outlined in this document.

All Breach report forms will be filed by the Secretary in station records and be retained for a minimum of four (4) years.

Aims of Conflict Resolution

- To Respond not react to problems
- Identification conflict clues for early resolution
- Turn opponents into partners
- Ask appropriate questions to help people shift fixed positions

Decision & Authority

The decision of the Board on any issue of complaint or conflict is final.

Independent mediation shall be applied in cases where differing opinions of management fail to resolve issues.

Complaints Handling

SWR TRIPLE 9 FM treats all complaints using the same procedure, however some steps in this procedure are relevant only to specific complaint types.

Complaints may fall into several different categories;

Broadcasting Complaint, i.e. a complaint about something that has been broadcast on the air.

Studio Rules Complaint, i.e. a complaint about personal conduct within SWR TRIPLE 9 FM premises.

Management Complaint, i.e. a complaint or appeal about the way management has treated a situation.

Complaints can also be received in different forms and through different channels.

Telephone or Verbal Complaints – Action may be necessary but there is no formal reporting procedure to be followed. Person making complaint is to be encouraged to place complaint in writing. A Breach Report must still be filed.

Written Complaints with identifiable return address – Full procedure applies. In case of category (1), the complaint is reportable to the ACMA and records must be kept, including Breach Report.

Written Complaints with no identifiable address – Action may be necessary but there is no formal reporting procedure and no records need to be kept.

A complaint is treated equally whether it is received from Management, Station Members or the Public, and all complaints generate a Breach Report. The way this report is acted upon however is different depending on who makes the complaint. Breach reports filed directly by management or Appointed Listeners* (depending on severity of breach) may result in immediate action such as temporary suspension of a broadcast or temporary cancellation of studio access rights until the matter is investigated by the Board. Breach findings filed on behalf of other members, or members of the public, must first be considered by the Board before a suspension can occur. A penalties & Discipline schedule point system exists.

** An Appointed Listener is a member appointed by the Board specifically to monitor station broadcasts and report on possible rule breaches.*

All complaints are broken down into the following sub-procedures;

Pre – Investigation Research, Temporary Suspensions

Initial Consideration and Report – Penalties issued

Final Consideration – Further Action (if required)

Independent Appeals & Mediation (if required)

Discipline in line with Articles of Association (if justified).

Procedure

The following procedure will be followed when handling complaints

Step	Action	Broadcast Complaint	Station Rules Complaint	Management Complaint
<i>a.) Pre investigation, Research, Temporary Suspensions</i>				
1.)	Telephone Verbal Received	Fill out Breach report Advise to put in Writing Give report to Management.	Fill out Breach Report Give / Report to Management.	Advise to put complaint in writing.
2.)	Written Received	Fill out Breach report Attach & File copy	Fill out Breach report Attach & File Copy	Give to Board President
3.)	Initial Management Action	Management refer to Penalties schedule. If minor, then warning is given. If major or above, immediate suspension of program and access to studio until next scheduled Board Meeting – to a maximum of 30 days except where translation is required(#1, #3)		
4.)	Research	Backup Audio Log Listen to Log (if English) Forward for Translation (if non English)(#1)	Seek Witness Testimony Inspect Scene of "Crime" Inspect Security Logs Seek opinion of accused	President to handle investigation of Management Complaints
5.)	Prep Action by Management	Reply to Letter – initial reply to state that complaint has been received and to complainant is under investigation.	Initial Warning Issued. No initial reply letter is required.	-
<i>b.) Initial Consideration & Report by Board</i>				
6.)	Consideration at Board meeting (#4)	Listen & Review Logs. Consider past Penalties. Make (or ratify) decisions. Complete Breach report. Recommend Changes to Station Policy / Procedures if required.	Consider all evidence. Consider past penalties. Make (or ratify) decisions. Complete Breach report. Issue to be independently Mediated.	Discuss complaint. A Letter should be sent to the Complainant asking if they wish the
7.)	Follow up Action (must be within 60 days of initial written complaint Received).	Issue Written Warning and / or suspension notice. Issue Written statement to Complainant outlining Decision. Enclose copy of CBAA Code and also include ACMA Complaints Dept. Details.		Wait 14 days for reply. If no, then invite complainant to next Scheduled board meeting To put case in person.
<i>c.) Final Consideration & Further Action</i>				
8.)	Reply received	If satisfied or if no reply received – no further action. If not, then pass all details to Independent Mediator(#2). Mediator is to meet with Board and be briefed.		If yes, pass on details to Independent Mediator (#2).
9.)	Mediation Meeting	date to be set within 60 days of reply.		
<i>d.) Independent mediation & appeals</i>				
10.)	Mediation	Action Taken on outcome of meeting. If required, the provisions of the Association's Articles shall apply.		

Notes:

#1: Special Allowances for Translation of Non – English Logs:

If the program material cannot be reviewed due to it being in a foreign language, the log may either be forwarded to an independent translator service (at the broadcaster's expense) for a full written translation, or if the Board is satisfied that the complaint is sufficiently simple enough to warrant an opinion only (and the broadcaster concerned is also satisfied on the course of action) then the log may be forwarded to an

independent Appointed Listener who can understand the language. If the Board chooses this option, it must clearly outline in writing to the Appointed Listener exactly what the complaint was, and exactly what the Board are looking for in the recording. The Appointed Listener must then issue a signed statement to state if the material was present or absent in the recording.

If the Broadcaster's program was suspended by Management as a result of step (2) above, the program must remain off the air until the translation and / or report is obtained and an initial decision (step 6) is completed.

#2 Appointment of an Independent Mediator:

Normally the Association appoints a "Conciliation Officer" at each AGM. This person (if appointed) acts as an independent Association Member with conciliation skills and able to act as a mediator in Association disputes.

The Conciliation Officer;

- Must not hold any position on the Association Board or any Committee.
- Must not be an employee of the Association.
- Must not be in any Administrative position (volunteer or otherwise) with the Association.
- Must be an Association Full or Associate Member.
- Must be normally available to attend meeting(s) with 14 days notice.
- May also be a Broadcaster.
- Needs to have read and understood clearly the CBAA Handbook Guidelines on Conflict Management, and ideally should also have other conflict management skills.

Appointment of the position of Conciliation Manager is expected to be added to the Association's Articles in the next review in 2005.

If for any reason the Association Conciliation Manager is unavailable to perform their assigned tasks the Association must procure the services of another suitable mediator from other sources, such as the CBAA or local Community Mediation Service. The Association shall meet any associated costs.

In the event that any complainant wishes a different Independent Mediator to be appointed despite the ready availability of the Association's own designated Conciliation Officer, the services of another suitable mediator such as that via the CBAA or local Community Mediation Service may be employed however all associated costs must in this case be borne by the Complainant.

#3 Temporarily Suspended Programs

When a complaint against a specific program or member warrants immediate suspension by Management prior to a decision being made by the complete assembled Board of management (such as for major offences) all such suspensions shall be considered as temporary until stage (7) above is completed. The vacated timeslot may be temporarily reallocated to other programming purposes however it cannot be booked by another broadcaster until stage (7) of the investigation is completed. If the complaint is found to be false (see below) the timeslot must be immediately re-offered to the broadcaster.

#4 False or frivolous complaints

Where a complaint against a specific program or person is investigated by the Board and found to be false (i.e. complaint not upheld), any initial suspension shall be immediately revoked. Any airtime fees lost shall be credited to the broadcaster concerned. NO BREACH REPORT SHALL BE FILED against the member concerned, and any existing initial breach report regarding the false complaint shall be removed from files and destroyed. Audio logs of suspected breaches (regardless of investigation outcome) shall however be retained for a minimum of four (4) years.

A reply letter informing the complainant that their complaint has been found to be false, vexatious or frivolous shall be forwarded within the standard 60 day limit, indicating that if the complainant wishes to pursue the matter further it will require mediation. Notice should also be given to the complainant's right to complain to the ACMA.

If a complaint is initially found to be false at stage (7), and then appealed successfully through either mediation or later found to be upheld by an ACMA investigation, a new Breach report is to be filed against the member detailing the revised decision and outcome. If this new decision is found to warrant discipline, the standard schedule of penalties shall apply or as directed by the Board.