

Complaint Handling Principles and Guidelines



Principle	Guidelines
Treat complaints seriously	Inappropriate behaviour, even if it occurs under the guise of 'fun', needs to be addressed. Taking the matter seriously means not dismissing the complaint and agreeing to look into the issue.
Act promptly	Complaints should be responded to as quickly as possible as this can help to 'nip problems in the bud' before the situation worsens. Serious complaints such as child abuse, physical assault, sexual harassment and sexual assault should be responded to immediately.
Treat people fairly	<ul style="list-style-type: none">• Don't make a judgement until you've heard both sides of the story.• Explain the complaint handling process.• Allow people to have a 'support' person with them.• Don't hold a grudge against those involved in the complaint. <p>It's important to make sure that both the person complaining and the person complained about are not harassed or victimised because of their involvement.</p>
Stay neutral	It's important that you remain impartial and that you're trusted by those involved. If the complaint is about your management of the club or issues in any way related to you, you should ask the management committee to appoint someone objective to investigate the complaint.

Principle	Guidelines
Keep everyone informed	<p>Everyone involved in the complaint needs to know:</p> <ul style="list-style-type: none"> • what's going to happen and when; • who's going to be involved; • how long it's going to take; • possible outcomes. <p>If the process takes a few weeks, make sure that you keep everyone up to date.</p>
Maintain confidentiality	<p>Only those involved in the complaint (this may include witnesses) need to know about it. Reassure people that confidentiality will be maintained.</p>
Keep accurate records	<p>Keeping written records is important. Even if the matter is not formally investigated, document all meetings and interviews – e.g. who was present; key points; agreed outcome(s).</p>
Work from the principle of 'innocent until proven guilty'	<p>The person accused of inappropriate behaviour has the right to:</p> <ul style="list-style-type: none"> • know who's complaining about them; • have all the allegations put to them; • tell their side of the story; • have the matter investigated and resolved before action is taken; • have 'the punishment fit the crime' if it's substantiated. <p>Individuals should, where appropriate, have the opportunity to correct their behaviour.</p> <p>There are some situations, however, that require urgent action (e.g. physical or sexual assault and suspicion of harm against a child).</p>

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Complaint Handling Procedures

If you've received a complaint about discrimination or harassment, you need to know that:

- the complaint can be dealt with through your organisation's internal complaint processes or lodged with an anti-discrimination agency – this decision rests with the person complaining;
- the person complaining can refer the matter to an anti-discrimination agency at any point during the complaint process;
- if an anti-discrimination agency handles the complaint, your club or state sporting organisation is responsible for managing the situation while the processes are underway – this means you need to protect everyone involved from victimisation;
- for serious complaints (e.g., sexual harassment) it may be necessary to move the person being complained about to another position or provide additional support until the outcome of an investigation is finalised. You should get advice before making this decision.

Similar processes are used for dealing with complaints about unlawful discrimination, harassment and other inappropriate behaviour or unfair decisions.

Each complaint is different and the action you take will depend on your clubs or state/national organisation's policies and the circumstances of the complaint, it is important you determine what the person complaining wants to do. You may start with one course of action but move to another process as more information about the complaint becomes available, for example what initially appears less serious may emerge as a more serious issue. Where possible you should try resolve complaints informally in the first instance.

Informal processes

As a rule of thumb less serious complaints (for example a coach who shows favouritism to their child in team selection) lend themselves to being resolved quickly and informally. Options include;

- Provide more information to the person complaining (e.g., to clarify club policies and procedures)
- Suggest the person complaining talks directly with the person being complained about
- Meet with the person being complained about
- Hold an informal meeting with those involved in the complaint.

Download the [Informal Processes Information Sheet](#)

Formal Processes

Serious complaints, (for example if someone is not selected for a team because of their race or religion) may require more formal action. Options include;

- Mediation
- Management Committee or tribunal hearing & decision
- Escalation to your state sporting or recreation organisation (e.g., if the complaint requires formal investigation)
- Referral to an external agency (e.g., anti-discrimination agency)

Download the [Formal Processes Information Sheet](#)

Complaint Handling Processes

Dealing with issues through informal processes

Characteristics of less serious complaints include behaviour or decisions that are:

- out of character for the person about whom the complaint has been made
- one-off
- not entrenched
- low risk of harm/impact on other people

Examples of less serious issues that can be dealt with using informal processes include:

- favouritism in team selection
- mild coarse language, yelling
- excessive emphasis on winning
- restriction of access to facilities

Relevant options for resolving less serious complaints include the following (choose the option you believe most appropriate for handling your complaint):

1. provide more information to person who is making the complaint
2. suggest person making the complaint talks directly with person complained about
3. you meet with person who has been complained about
4. informal discussion with all those involved

Option 1: Provide more information to person making the complaint

This is a good option when:

- You have clear guidelines available and it appears to be lack of awareness of these
- The person making the complaint is seeking greater understanding
- The complaint is in the early stages of the process

Steps to follow:

- Provide person making the complaint with copy of Member Protection Policy, Codes of Behaviour and/or relevant guidelines (e.g. selection policy)
- Explain how these policies relate to the issue/ concern

More Resources

Your organisation's guidelines, Member Protection Policy and Codes of Behaviour,

Issue-specific information, guidelines and information sheets (e.g. pregnancy guidelines, appropriate physical contact, overnight and away trips) available in "Got an Issue" on www.playbytherules.net.au

Guidelines and information sheets available in Play by the Rules resources
www.playbytherules.net.au/resources

Option 2: Person making the complaint talks with person who the complaint is about

This is a good option when:

- The person who makes the complaint requests this option
- The complaint is in the early stages of the process
- The focus of the person who is making the complaint is to move forward rather than lay blame
- There is not a significant power imbalance
- The person who is making the complaint is confident &/or isn't concerned about victimisation
- The club can protect the person who is making the complaint against victimisation (e.g. within club policies)
- There is little emotion involved

Steps to follow:

Consider suggesting to the person who is making the complaint that they:

- are sensitive about when and where the talk takes place (e.g. not in front of the team or other parents, not when the other person is busy/distracted such as approaching a coach during training)
- avoid being emotional and don't personalise concerns. Provide clear examples (e.g. when, where, who)
- focus on a solution rather than problem (e.g. how to move forward rather than seeking to lay blame)
- take responsibility to help move forward (e.g. offering to contribute to a solution such as volunteering to reduce the workload, becoming a team manager)

More Resources

Your sport's guidelines, Member Protection Policy and codes of behaviour, issue-specific information, guidelines and information sheets (e.g. pregnancy guidelines, appropriate physical contact, overnight and away trips) available on www.playbytherules.net.au

Option 3: You meet with person who has been complained about

This is a good option when:

- The problem can be resolved by clarifying your club's policies or guidelines
- There is a power imbalance between the parties
- You yourself have observed the behaviour
- The person who makes the complaint requests this option

Steps to follow:

- Find a time to talk privately with the person who has been complained about (e.g. not in front of the team or parents)
- Let them know that concerns have been expressed but try not to make the discussion personal (e.g. rather than saying the person is alleged to show favouritism and bias towards their own child say there are concerns that children are not getting equal time in the game)
- Acknowledge their contribution to the club and discuss policies or guidelines that help clarify the club's position on the issue (e.g. junior sports policy and team selection)
- Ask for their perspective on the issue and what might have led to this being a concern
- Ask for their ideas on how to sort out the issue
- Check what further support might help them in their role (e.g. training)
- Get back to the person who made the complaint with the outcome and monitor the situation.

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Option 4: informal discussion with all those involved

This is a good option when:

- The issue is not highly emotive or aggression isn't involved
- It's appropriate for all parties to hear same message at same time (e.g. clarifying roles and responsibilities)
- The person who is making the complaint is open to discussion with other person

Steps to follow:

- Find a time and place when you can get the parties together. (in private and without distraction)
- Reassure both parties that the focus is on talking openly to try and move forward rather than laying blame.
- Make sure both parties have equal 'airtime' so they feel heard (e.g. the person making the complaint is concerned about the coach shouting at the players and the coach feels stressed because he has too many responsibilities).
- Refer to the club's policies and guidelines to clarify and provide direction (e.g. codes of behaviour, job descriptions, roles and responsibilities).
- Identify common ground and build on this for workable solutions (e.g. that the coach needs more support to undertake his/her role).
- Allow both parties to suggest solutions (e.g. more parents involve themselves with the team as a team manager or scorer, work with club on selection policy, code of conduct).
- Follow up with both parties to check that the problem is resolved.

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Complaint Handling Processes

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Attachment D2: MEDIATION

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The MPIO will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of BNSW and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with BNSW acting as mediator.
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. The complainant and the respondent(s) will sign this agreement. We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - write to CEO to request that the CEO reconsider the complaint; and
 - Approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some situations where mediation may not be appropriate, including:

- When the people involved have completely different versions of the incident;
- When one or both parties are unwilling to attempt mediation;
- When there is a real or perceived power imbalance between the people involved;
- Matters that involve serious allegations.

Option 4: informal discussion with all those involved

This is a good option when:

- The issue is not highly emotive or aggression isn't involved
- It's appropriate for all parties to hear same message at same time (e.g. clarifying roles and responsibilities)
- The person who is making the complaint is open to discussion with other person

Steps to follow:

- Find a time and place when you can get the parties together. (in private and without distraction)
- Reassure both parties that the focus is on talking openly to try and move forward rather than laying blame.
- Make sure both parties have equal 'airtime' so they feel heard (e.g. the person making the complaint is concerned about the coach shouting at the players and the coach feels stressed because he has too many responsibilities).
- Refer to the club's policies and guidelines to clarify and provide direction (e.g. codes of behaviour, job descriptions, roles and responsibilities).
- Identify common ground and build on this for workable solutions (e.g. that the coach needs more support to undertake his/her role).
- Allow both parties to suggest solutions (e.g. more parents involve themselves with the team as a team manager or scorer, work with club on selection policy, code of conduct).
- Follow up with both parties to check that the problem is resolved.

More Resources

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Complaint Handling Processes

Dealing with issues using formal processes

Characteristics of serious complaints include:

- Unlawful behaviour
- Repeated pattern or entrenched behaviour
- More than one person impacted upon
- More than one person perpetuating the behaviour
- Person complaining unable to address issue /Power imbalance Conflict of interest
- Person complaining wants formal disciplinary measures imposed
- Has been unsuccessfully resolved at informal level.

Examples of serious issues that should be dealt with using formal processes include:

- Angry/volatile spectators
- Bullying (e.g. initiation rituals/hazing, cyber bullying, ostracising behaviour by an individual or group).
- Sexual harassment
- Racial harassment and vilification
- Homophobia
- Extreme inappropriate coaching style (e.g. profanities accompanying aggressive/threatening gestures)

Complaints that have been assessed at the "serious" end of the continuum lend themselves to a formal process. A formal process usually requires a written complaint asking the club/organisation to respond.

For each process there are a range of options from talking directly with the person complained about through to referral to an external government agency. Relevant options for resolving serious complaints include the following (choose the option you believe most appropriate for handling your complaint):

1. Mediation

2. Management Committee hearing & decision
3. Escalation within sport (to district/state or national level)
4. Referral to external agency

Option 1: Mediation

This is a good option when:

- The person complaining requests it and the person being complained about is likely to be agreeable to this
- The allegations don't or are unlikely to warrant any form of disciplinary action The facts are not likely to be disputed

Steps to follow:

- Explain to the person complaining and the person being complained about that mediation is a process that may help them understand and explore their issues and find resolution with the help of an independent third party
- Get agreement from both parties that they are willing to meet with a mediator to try and sort out their problems
- Contact a mediation agency to discuss the issue and arrange mediation if appropriate. Each state and territory has mediation services; either donation or low cost (community mediation and justice centres) or fee for service (referral through a Law Society)
- Appoint a mediator
- Ensure your club's Committee monitors the situation and reviews policies and procedures to prevent the problem from reoccurring.

More Resources

Your states Law Society or the Australian and New Zealand Sports Lawyers Association can refer you to legal practitioners who offer mediation services. This would be fee for service unless otherwise negotiated.

Option 2: Management Committee Hearing and Decision

This is a good option when:

- Mediation is not possible

- The parties disagree about what has happened There is a potential detriment to either party
- The matter is one better resolved at this level (rather than escalated to the next level of the sport)
- The matter is unlikely to require an external investigation (eg. child abuse, physical or sexual assault).

Steps to follow:

- Respond, preferably in writing, to any complaint and explain the process the committee will take in dealing with the complaint.
- Inform the person being complained about of the allegation and the process the committee will take in dealing with the complaint.
- Appoint committee members to hear the complaint who are unbiased and don't have a conflict of interest
- Ensure both parties get to tell their side of the story before any decision is made by the committee. This may involve both parties attending a committee hearing or providing information to a nominated representative of the committee prior to the committee hearing.
- Decisions must be based on the facts and could include dismissal of the complaint, disciplinary action, referral to a state sporting organisation (or an external body) for further advice, investigation and/or arbitration.
- Keep both parties informed throughout the process and communicate any decisions as soon as possible, including any right of appeal by either party
- Review policies, codes of behaviour and guidelines and communicate these to club members and personnel to prevent further issues arising.

Option 3: Escalation within sport

This is a good option when:

- There is a possible conflict of interest (or close relationship) between the people on the management committee and any of the parties to the complaint
- It is beyond the skills of the committee and specific expertise or experience may be required to manage the complaint
- The complaint has not been able to be resolved at the club level The issue is more serious than first thought

Steps to follow:

- Review your club's grievance or complaint policy and procedures to understand how your sport deals with complaints.
- Contact your sport's Member Protection Information Officer to discuss the complaint and how your state/district sporting organisation could support your club to handle the complaint.
- If appropriate, refer the complaint to your state association and clarify your club's role. Keep the parties involved informed about the complaint process.
- Protect the person complaining and the person being complained about from victimisation. Manage any gossip or demands by people who know about the complaint.
- Implement any recommendations and review club policy and procedures.

Option 4: Referral to external agency

This is a good option when:

- Your sport's member rules and disciplinary procedures do not enable for your state sporting organisation or national sporting organisation to be involved in the complaint (e.g. your only option may be to seek legal advice).
- The person complaining chooses this option (which can happen at any time during the complaint process) After gathering more information, the complaint appears to be very serious.
- When the complaint involves harm to a child Where the issue may be criminal or unlawful When an external investigation is required Whenever you are unsure and need to seek further advice.

If you need information, advice, to make a complaint or to raise a concern in relation to inappropriate behaviour in sport (such as harassment, discrimination or abuse), this chart may assist in working out who to contact. Start at the level (club, state/territory or national) that the incident occurred.

