



## **Grievances and Complaints Management Policy**

**This policy is reviewed annually and was last reviewed and accepted by the Eltham Redbacks Football Club Committee in 2012**

**This policy was sourced from the Australian Childcare Accreditation Council, Eltham Basketball Club Policies, Play by the Rules website ([playbytherules.net.au](http://playbytherules.net.au)) and Good Sports website ([goodsports.com.au](http://goodsports.com.au)) which are supported by the Australian Drug Foundation, Australian Sports Commission, Australian Human Rights Commission and all Australian State and Territories' Sporting Bodies. This policy was created in December 2011.**

**Important Note: The grievances and complaints management policy supports and guides the actions of each stakeholder that accesses the Eltham Redbacks Football Club; this not only includes children and families but also coaches, the Committee, staff, spectators and the wider community. The grievances and complaints shall be judged by current club policy and the grievances and complaints policy is not to be used as a mechanism for policy change.**

### **Policy statement**

- The service's Grievances and Complaints Management Policy values:
  - procedural fairness and natural justice;
  - a culture free from discrimination and harassment;
  - transparent policies and procedures; and
  - avenues for recourse and further investigation.
  
- The Grievances and Complaints Management Policy ensures that all persons are presented with procedures that:
  - value the opportunity to be heard;
  - promote conflict resolution;
  - encourage the development of harmonious partnerships;
  - ensure that conflicts and grievances are mediated fairly; and
  - are transparent and equitable.
  
- Eltham Redbacks Football Club has a duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to the management of grievances and complaints.
  
- In meeting the club's duty of care, the Committee agree to implement and endorse the club's Grievances and Complaints Management Policy.
  
- With regard to staff employed by Eltham Redbacks Football Club the *Occupational Health and Safety Act* states that employers have a duty

of care to their employees to ensure that the working environment supports emotional and mental wellbeing.

### **Rationale**

The rationale for this policy is to provide the governing strategies and practices that guide Eltham Redbacks Football Club in dealing with complaints and grievances, ensuring that procedural fairness and natural justice underpin all its actions. This policy is provided to deal with all complaints and grievances by all users of the club.

### **Procedural fairness and natural justice**

- The three core principles of natural justice or procedural fairness are:
  - the right to be heard fairly;
  - the right to an unbiased decision made by an objective decision maker; and
  - the right to have the decision based on relevant evidence.

### **Strategies to resolve grievances and complaints**

#### **Privacy and confidentiality**

- Eltham Redbacks Football Club complies with the relevant privacy legislation in the collection and use of information held about an individual. Resolution of complaints and grievances will occur within the boundaries of this legislation.
- Note: there may be a requirement to disclose information to a third party when directed by legislative regulations. For example, if the nature of the complaint is about child protection issues, a government agency may need to be informed. In other circumstances, the complaint may be held in confidence with those individuals directly involved.

#### **Minimization of Opportunities for Grievances to Occur**

- . The club shall seek to create an ethos and framework of organization and procedures which minimises the number of grievances likely to occur.
- . The club will maximize information available to all participants about the rules and procedures to follow and have copies of relevant rules and procedures available for consultation. This shall primarily be done via the website [www.elthamredbacksfc.org.au](http://www.elthamredbacksfc.org.au) and via links to the Football Federation Victoria ([footballfedvic.com.au](http://footballfedvic.com.au)) website where overarching guidelines for behaviour and conduct during football participation are published.
- . All players, coaches and their parents will be required to read, sign and return to the club, a competitive parent (if player U18)/player/coach code of conduct form.
- . Coaches/administrators involved in organization of games and selection of players will conduct themselves with thoughtfulness, fairness and integrity.
- . Coaches/administrators will not promote their own self-interest or the interest of their family member in a controversial manner.

. Coaches/administrators will avoid conduct which creates excessive expectations or unanticipated disappointments such as sudden changes in team or game time without adequate explanation, deprivation of opportunities without preparation or counseling. However there must also be recognition and understanding by players of the function and use of the selection/game time policies.

### **Conflict of interest**

- Conflicts of interest may arise during a grievances or complaints management procedure and the following steps will be taken to minimize the risk of this occurring.
- When a complaint is taken, there will be an attempt to resolve the complaint there and then, if this is not possible or the complaint is of a more serious nature then it will be taken to the next committee meeting and minuted with the complainant's identity kept confidential if they request to remain anonymous. The Committee will then advise of the action to be taken which may involve meeting with the complainant at a Committee meeting or separately by some members elected to do so.

If the complaint involves someone who would normally be mediating the grievance and complaints process, then they will be excluded from the decision making process if this is appropriate and agreed on by the Committee. If there is a complaint against the Committee of Management as a whole, then external mediators may be required to resolve this conflict.

- Eltham Redbacks Football Club believes that it is vital that the complainant feels confident in:
  - being heard fairly; and
  - an unbiased decision making process

### **Grievances and complaints management procedure**

Grievances and complaints will be managed by the following procedures:

#### *Notification*

- A complaint can be lodged to any Committee member. The complaint or grievance will be documented by the person taking the complaint. The documentation is to be written using clear, precise, objective and transparent language and wording that minimizes confusion and misinterpretation.
- If the complaint is related to a child protection issue then this will be dealt with by notification to Child Protection Agencies as is legally required.

- Lines of communication.

If the complaint is of a minor nature or misunderstanding it is reasonable to attempt to resolve the issue immediately. See applying strategies for different stakeholders below.

All other complaints will be notified to the Committee.

Complaints which directly concern the Committee, may be notified to the Committee with a request for external mediation if this is felt to be required.

Reference may be made to the Football Federation Victoria Member Protection Policy which is the over-reaching policy for all participants registered with the Football Federation.

A written explanation of the complaint from the complainant is encouraged but not

essential. The documented complaint is then taken to the next Committee meeting. If it needs to be dealt with more urgently, the matter still needs to be notified to the Committee as a whole but a subcommittee may be elected to deal with the complaint in a more timely fashion. Feedback on the progress of resolution and the outcome of the complaint needs to be communicated to the Committee. If the complaint is not able to be resolved by the subcommittee then the matter must be taken to the next Committee meeting. The complainant is notified of the time and date of the meeting and offered to attend. The complainant's identity may be kept confidential if this is requested. It is felt that the Committee members as a group can resolve most issues that arise. For this reason they are the ones who are elected to know about the complaints. Committee members are instructed to not disclose information about the complaint to other stakeholders who are not directly involved. This supports an individual's right to be heard fairly without bias and prevents other people involved with the club from forming an opinion before hearing all the facts. This should also result in a fair procedure in deciding the outcome of the complaint.

- **Timeframes.**

The expected time frame for dealing with the complaint from notification to resolution should be within two Committee meetings. Ideally the complaint will be resolved at the first meeting to which the complaint is taken, but sometimes additional information may be required by the Committee to enable it to make a fair decision and this means the decision making process will be held over until the next meeting. This timeframe excludes the requirement for the issue to be resolved at a special meeting or by an external mediator, in which case the timeframe to resolution may be longer.

### *Investigation*

- Eltham Redbacks Football Club will investigate grievances and complaints by treating each complaint with respect and appropriate confidentiality. Where appropriate, the relevant policy or procedure will be referred to. The complaint will be investigated by discussion with people involved in the complaint. A written explanation of the complaint by the complainant will be encouraged to be submitted. A meeting with the involved parties may be used to gather information about the complaint. Observations and meetings will be appropriately documented as detailed previously and used in the decision making process. Meetings may be mediated by the President, the Vice President or any other nominated Committee Member as seen to be appropriate by the Committee. If there is a conflict of interests identified between the Committee and the complainant then an external mediator will be engaged. Staff members are entitled to a union representative at any stage of a mediation process.

### *Disciplinary Procedure (if required)*

1. Where the Committee considers that disciplinary action is necessary, they will notify the inform the club member that he/she is being warned in accordance with this set of disciplinary procedures.

2. The first warning shall be verbal and an entry recorded in Grievances and Complaints log that such a warning has been given. Two Committee members will be present at this confidential discussion. Discussion will:
  - Provide the club member with support and understanding,
  - Provide specific information about the standard of performance expected with reference to appropriate policies.
  - Communicate the specific improvements expected and negotiate a reasonable time period in which improvement must be demonstrated.A Union Representative may be present if the grievance involves a staff member.
3. The club member shall be given the opportunity to sign the log entry and be given a copy of the entry. If the club member declines to sign the entry, the record will be endorsed to that effect by the Committee members.
4. If the problem continues, the matter will be discussed with the club member and the Committee Executive and a second warning in writing will be given and recorded in the Grievances and Complaints log. A Union Representative may be present if the grievance involves a staff member. The Committee will inform the club member in writing of the agreement reached at the first meeting, the areas of continuing unsatisfactory performance, what improvements are expected, review date and that if there is no improvement there will be one further warning before being required to leave the club.
5. The club member shall be given the opportunity to sign the entry and be given a copy of the entry. If the club member declines to sign the entry, the record will be endorsed to that effect by the Committee members.
6. If the problem continues, the Committee Executive will meet with the club member to discuss the situation. If a final warning is to be given then it shall be issued in writing, recorded in the grievance log and a copy sent to the club member's address.
7. The club member shall be given the opportunity to sign the log entry. If the club member declines to sign the entry, the record will be endorsed to that effect by the Committee.
8. In the event of the matter recurring, then the person's club membership may be terminated without any further warning. No club membership terminations are to take place without the authority of the Committee except on the grounds of instant termination, see below.
9. If a dispute should arise over the disciplinary action, the matter shall be referred to an external mediator for resolution. Such resolution shall be accepted by the parties as final.

10. If after any warning, a period of twelve months elapses without any further warning or action, all reports relating to the warning will be removed from the grievances and complaints log.

11. A “warning” shall include a clear statement of the Committee’s specific concerns, his/her expectations regarding resolutions of these matters and the times in which these are to be achieved.

- **Instant Club Membership Termination**

The Committee shall have the right to dismiss any club member without notice for conduct that justifies instant club membership termination, including gross misconduct such as threatening verbal, electronic or any physical abuse or neglect of duty. There will be no refund of any membership fees.

#### *Resolution*

- The complaint will be considered to be resolved when the complainant signals they are happy with the outcome as deliberated on by the Committee or they do not wish to take the matter further.
- There will be a period of two weeks after the complainant has been notified of the outcome of the deliberation by the Committee when they will have a right of reply. Once this time has elapsed and the complainant has not made any further requests for ongoing deliberation, then the matter will be considered formally resolved. If the complainant signals that they are unhappy about the outcome of the Committee’s deliberation, then one of three options will be pursued. The Committee may chose to further discuss the complaint at their next meeting and re-issue the result of their further deliberations, the Committee may chose to call a special meeting to be voted on by all eligible financial members of the club (if the complaint is in relation to the club’s policies or procedures) or the Committee may chose to engage an external mediator.

#### *Evaluation*

- Eltham Redbacks Football Club will analyse the occurrence, frequency and nature of grievances and complaints. Eltham Redbacks Football Club will endeavour to improve its service by responding to all complaints and grievances within the constraints of a volunteer organization.
- Eltham Redbacks Football Club will endeavour to obtain consistent outcomes in its dealing with complaints.

### **Applying strategies to different stakeholders**

#### **Children**

When a child makes a complaint against:

- another child; the coach and parents will be asked to mediate between the children and if necessary an action plan to deal with distressing behaviours will be formulated and implemented by both parties.
- coach; the club encourages players and their parents to approach the coach in a

respectful manner at an appropriate time (that is, outside of game and training sessions and at an agreed quiet time with the coach) if there is an game/practise issue such as game time, position, style of coaching or probems with team mates. If the complaint cannot be resolved by discussion with the coach, then the complaint should be reported to and will be investigated initially by the Football Technical Director with reference to the child's parents. If required the complaint will then be referred on to the Committee for further mediation.

- another adult/parent ; the complaint will be investigated initially by the coach with reference to the child's parents and if required referred on to the Committee for further mediation or development of behaviour guidelines.

### **Parents**

When a parent makes a complaint against:

- a child; the coach and parents will be asked to mediate and if necessary an action plan to deal with distressing behaviours will be formulated and implemented.

- coach; the club encourages players and their parents to approach the coach in a respectful manner at an appropriate time (that is, outside of game and training sessions and at an agreed quiet time with the coach) if there is an game/practise issue such as game time, position, style of coaching or probems with team mates. If the complaint cannot be resolved by discussion with the coach, then the complaint should be reported to and will be investigated initially by the Football Technical Director with reference to the child's parents. If required the complaint will then be referred on to the Committee for further mediation.

- . another parent; the complaint should be reported to a Committee member for follow up

- Committee; see procedures of this policy whereby external mediators may be required.

### **Coach**

When a coach makes a complaint against:

- . a child; the complaint should be reported to and will be investigated initially by the Football Technical Director with reference to the child's parents. If required the complaint will then be referred on to the Committee for further mediation.

- . a parent; the complaint should be reported to a Committee member for follow up and mediation

- . another coach; the complaint should be reported to and will be investigated initially by the Football Technical Director. If required the complaint will then be referred on to the Committee for further mediation.

- Committee; see procedures of this policy whereby external mediators may be required.

### **Committee**

When Committee makes a complaint against:

- a player; see procedures of this policy. If a player is in repeated breach of the policies and procedure of Eltham Redbacks Football Club or for breaches of a serious nature such as abusive and threatening behaviour, then the Committee is entitled to request that player leave the club immediately.



. a coach; see procedures of this policy. If coach is in repeated breach of the policies and procedure of Eltham Redbacks Football Club or for breaches of a serious nature such as abusive and threatening behaviour, then the Committee is entitled to request that coach leave the club

- staff; see procedures of this policy
- another Committee member; see procedures of this policy and if an individual is in repeated breach of the policies and procedures of Eltham Redbacks Football Club or for breaches of a serious nature such as abusive and threatening behaviour, then the Committee is entitled to request that that individual leave the Committee or the club immediately.
- a member of the community; the Committee will respond as a single voice via letter.

### **Community**

When a community member makes a complaint against the club: see procedures of this policy. The complaint will be presented to the Committee and a member may be appointed to act as an intermediary or the Committee may decide to respond as a whole.

### **Dealing with the media**

Eltham Redbacks Football Club will communicate with the media (when a grievance or complaint has been communicated to a media organization and possibly exposed to the general population) as a single voice via the Committee, with a member of the Committee elected as the spokesperson. Written communication will be preferred as there is less ability for the written word to be distorted.

### **Policy review**

- Eltham Redbacks Football Club will review the Grievances and Complaints Management Policy and procedures annually.
- Club members are encouraged to collaborate with the club to review the policy and procedures.

### **Measuring tools**

The service will document a registry of grievances and complaints detailing the occurrence, frequency, nature, mediation outcomes and final resolution of each situation. This document will be kept by the Club Secretary. This will be reviewed annually by the Committee and any means of reducing complaints and grievances implemented. In this way the service can measure the effectiveness of this policy.

### **Links to other policies**

- Child protection
- Privacy policy
- Occupational health and safety

## **Sources and further reading**

- *Age Discrimination Act 2004* (Cwlth)
- *Disability Discrimination Act 1992* (Cwlth)
- *Human Rights and Equal Opportunity Commission Act 1986* (Cwlth)
- NSW Ombudsman.<sup>3</sup> (2005). *Natural justice/procedural fairness: Public sector agencies factsheet No 14*. Retrieved 6 February, 2007, from [http://www.ombo.nsw.gov.au/publication/PDF/factsheets/FS\\_PublicSector\\_14\\_Natural\\_Justice.pdf](http://www.ombo.nsw.gov.au/publication/PDF/factsheets/FS_PublicSector_14_Natural_Justice.pdf)
- *Occupational Health and Safety Act*
- *Privacy Act 1988* (Cwlth)
- *Racial Discrimination Act 1975* (Cwlth)
- *Sex Discrimination Act 1984* (Cwlth)