



ELTHAM REDBACKS FOOTBALL CLUB INC.
ABN 34 394 819 801, Reg No. A0008940Y
Correspondence to: PO Box 236, Eltham, VIC 3095
Home ground: Cedar Ave, Eltham North

Attachment D1: COMPLAINTS PROCEDURE

ERFC is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or it is necessary to properly deal with the complaint. To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to deal with complaints. Individuals and organisations can also make **complaints to external organisations** under anti-discrimination, child protection and other relevant laws.

Note that serious or criminal incidents, such as assault or sexual assault, should be reported to the police.

Informal approaches

Step 1: If safe, reasonable and appropriate, talk with the other person

If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

Step 2: Contact your Team Manager

We encourage you to talk with one of our Team Managers if:

- step 1 (above) is not appropriate;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially with someone and find out what options are available to address your concern; or
- the concern continues after you approached the other person.

The names and contact details for your Team Managers will be made available to you via at the beginning of the football season.

The Team Manager will:

- ask how you would like your concern to be resolved and if you need support;
 - seek to provide different options for you to address your concern;
 - act as a support person, if you wish;
 - refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate;
 - inform the relevant government authorities and/or police, if required by law to do so; and
 - where possible and appropriate, maintain confidentiality.
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Step 3: Decide how to address your concern

After talking with your Team Manager, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and resolve the problem yourself, with or without a support person;
- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.

Formal approaches

Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to your age group Coordinator; or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the age group Coordinator will decide whether:

- he or she is the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- to refer the complaint to **mediation**;
- to **investigate**, or appoint another person to investigate the complaint;
- to refer the matter to the **police or other appropriate authority**; and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, the age group Coordinator will take into account:

- whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled;
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the age group Coordinator is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

Step 5: Escalate a formal complaint



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If it you are dissatisfied with the outcome of your formal complaint, or if it is not possible or appropriate to resolve your complaint via the age group Coordinator, you may:

- make a formal complaint in writing to the club secretary for consideration by the committee; or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you and the age group coordinator provide, the secretary will take the complaint to the committee or the executive who will decide how to proceed with the investigation of the complaint. They may refer the matter to the **police or other appropriate authority** and/or to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, the appointed committee members will take into account:

- who has had any personal involvement in the circumstances and who is best placed to handle the complaint;
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled;
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

Where appropriate and/or necessary, the committee members handling the complaint may:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- determine what, if any, further action to take, including referring the matter for mediation or disciplinary action in accordance with this policy.

Step 6: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment D3.

Following the investigation, where the complaint has been handled by the age group coordinator in the second instance, the age group coordinator shall provide electronic copies of all records taken to the secretary to store.

Following the investigation, where the complaint has been handled by appointed committee members in the third instance, a written report will be provided to committee at the next committee meeting and the appointed committee members shall provide electronic copies of all records taken to the secretary to store

If the complaint is referred to **mediation**, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent, and the mediator.

If the complaint is referred to the **police or another external agency**, we will endeavour to provide all reasonable assistance required by the police or the agency.



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Any costs incurred by ERFC related to the complaint process set out in this policy are to be met by the club and/or the complainant and/or the respondent, as decided by the committee.

Approaching external organisations

If you feel that you have been harassed or discriminated against, or should you wish to appeal the decision made by the committee, you can seek further advice from your legal representative, your state or territory anti-discrimination or the appropriate equal opportunity commission. There is no obligation to approach external organisations. However, if the organisation advises you that the issues appear to be within its jurisdiction or that the club has erred in its decision making, you may choose to lodge a formal complaint with the organisation.

If you do lodge a complaint with an external organisation, a committee member from our club will be available to support you during the process.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website:

<http://www.playbytherules.net.au/resources/quick-reference-guide>.





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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 age group coordinator or appointed committee members will appoint an appropriate mediator to help resolve the complaint. This will be done after seeking advice from members of the committee 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 any party 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. This agreement will be signed by the complainant and the respondent(s). 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 continue to follow the complaints procedure process and/or approach any relevant external agency, such as a legal representative, anti-discrimination organisation or equal opportunity body, to resolve the matter.

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

- an agreed version of events cannot be ascertained;
 - the parties involved disagree on the severity or relevance of the complaint;
 - one or both parties are unwilling to attempt mediation;
 - there is a real or perceived power imbalance between the people involved; and
 - matters that involve serious allegations.
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Attachment D3: INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and information gathered.

An investigation helps determine the facts relating to the incident, recommendations as to possible findings and next steps.

Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by person handling the complaint.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

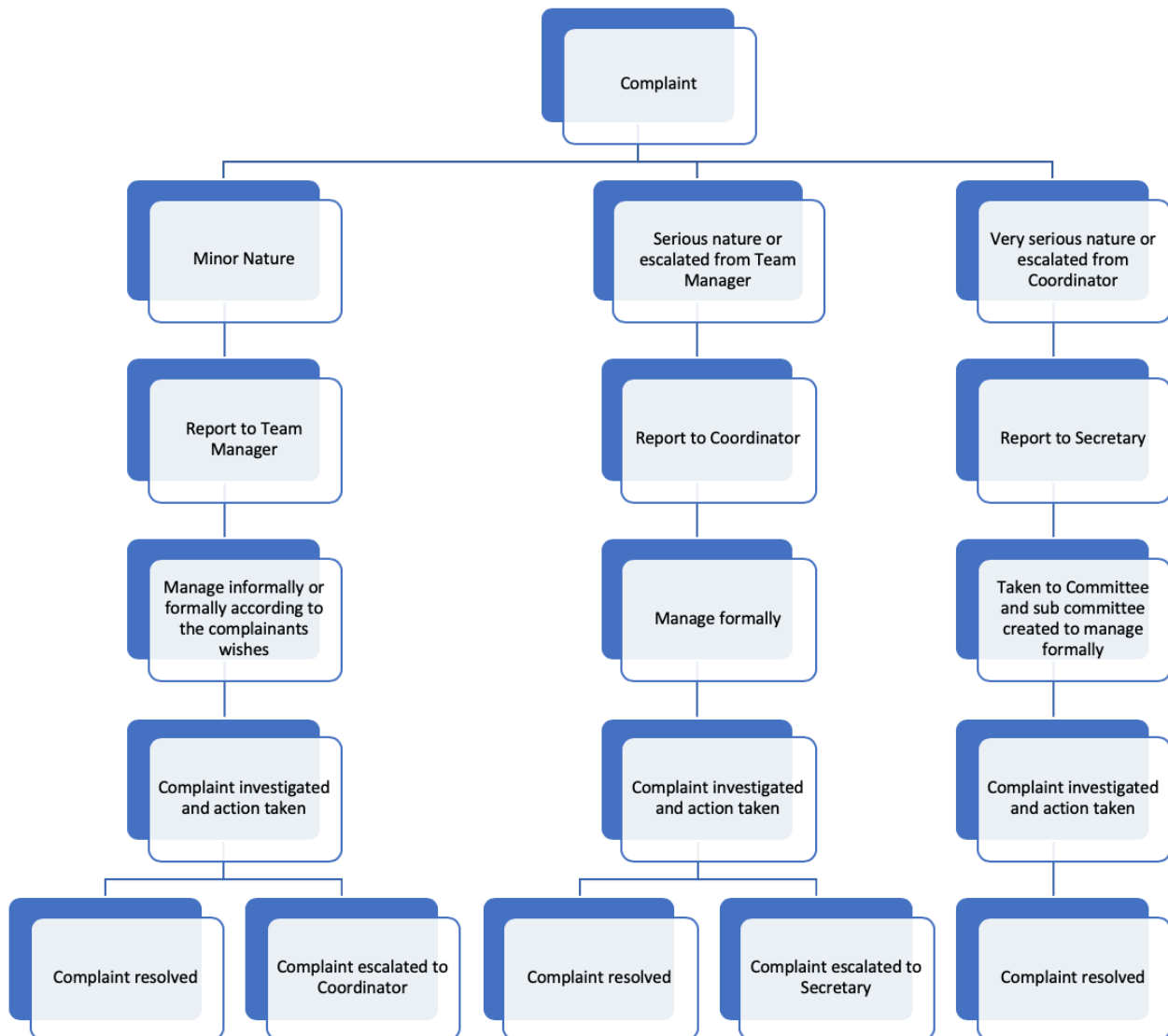
1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
2. The investigator may:
 - interview the complainant and record the interview in writing;
 - provide full details of the complaint to the respondent(s) so that they can respond
 - interview the respondent(s) to allow them to answer the complaint and record the interview in writing;
 - obtain statements from witnesses and collect other relevant evidence;
 - make a finding as to whether the complaint is:
 - **substantiated** (there is sufficient evidence to support the complaint)
 - **inconclusive** (there is insufficient evidence either way);
 - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded);
 - **mischievous, vexatious or knowingly untrue.**
 - provide a report documenting the complaint, the investigation process, the evidence, and, if requested, any findings and recommendations, to the secretary for record keeping.
3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser.





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Complaints Procedure Flowchart



In addition to the above, ERFC wishes to advise:

The ERFC Complaint Procedure does not preclude individuals from seeking recourse for their complaints externally to the club.

ERFC will, at the first instance it is made aware, report any behaviour it believes may be unlawful to the relevant authority.



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7.0 Complaints procedure and 9.0 Disciplinary Measures
Adopted: January 2019
Scheduled for review: 2024

NOTE: For references to other 'parts', see the related section of the Member's Protection Policy.

7.1 Handling complaints

ERFC aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

All complaints will be dealt with seriously, sensitively, confidentially and in a timely manner. Our procedures for handling and resolving complaints are outlined in here and in Attachment [D1].

Any person (a complainant) may report a complaint about a person/people bound by this policy or the club itself (respondent) if they feel they are the victim of any breach of this or any other club policy.

In the first instance, complaints of a minor nature should be reported to the appointed team manager from the complainant's team ('team manager'). From time to time, the club will appoint team managers for specific teams and these team managers will make themselves known to the members in that team by email.

Insomuch that no Victorian or Commonwealth laws are being breached, a complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the team manager should handle their complaint with this preference in mind.

Should the complaint breach Victoria or Commonwealth laws, the committee will be promptly notified and the appropriate authorities will be promptly contacted. Should the complaint be of a serious nature warranting escalation, the team manager will contact the committee member appointed to coordinate the complainant's age group ('coordinator'). From time to time, the committee will appoint coordinators for specific age groups and these coordinators will be published on the club's website.

In the second instance, or if the complaint is of a more significant nature, complaints should be reported to the coordinator. The coordinator may handle the complaint directly or appoint another member of the committee to handle the complaint. The person handling the complaint will not be the same person who has handled the complaint previously.

In the third instance, or if the complaint is of a very serious nature, complaints should be reported to the secretary who will take the complaint directly to the committee or executive. The committee or executive will appoint a sub-committee comprised of committee members and at least one member of the executive to handle the complaint. Anyone involved in the handling of the complaint will not have been involved in previously handling the complaint. From time to time, the progress or outcome of a complaint of this nature will be reported to the committee via email or at a committee and a report of the progress or outcome must be included in the minutes of the next committee meeting.



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Members may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation. Escalation to an external agency will not preclude the complainant from also having the complaint handled by the club.

The findings of the sub-committee may be referred to the committee at the next committee meeting for a formal vote. Notwithstanding further legal advice or rulings by external organisations, the findings of the committee at this stage are final.

7.2 Improper complaints and victimisation

ERFC aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the committee member handling the complaint considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the secretary for review and appropriate action, including possible disciplinary action against the complainant.

7.3 Mediation

ERFC aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the complainant and respondent involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the coordinator/secretary/member of the executive will, in consultation with the complainant, arrange for an independent mediator where possible. The mediation process will be run by appointed by the committee.

More information on the mediation process is outlined in Attachment [D2].





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9. Disciplinary measures

ERFC may impose disciplinary measures on any member(s) for a breach of this policy. Any disciplinary measure imposed will be:

- fair and reasonable;
- applied consistently with any contractual and employment rules and requirements;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined in accordance with our constituent documents and documents consistent with our sport's governing bodies.

9.1 Individual

Subject to contractual and employment requirements, if a finding is made following a complaint handling process that an individual has breached this policy or any policy, one or more of the following forms of discipline may be imposed.

- a direction that the individual make a verbal and/or written apology;
- a written warning;
- a direction that the individual attend counselling to address their behaviour;
- a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by our club or any affiliated sporting bodies;
- a demotion;
- a suspension of the individual's membership or participation or engagement in a role or activity;
- termination of the individual's membership, appointment or engagement;
- a recommendation to an affiliated body to terminate the individual's membership, appointment or engagement with that body; and
- any other form of discipline that the committee considers appropriate.

9.2 Factors to consider

The form of discipline to be imposed on a member will depend on factors, such as:

- the nature and seriousness of the breach;
 - if the member knew, or should have known, that the behaviour was a breach of the policy;
 - the member's level of contrition;
 - the effect of the proposed disciplinary measures on the member, including any personal, professional or financial consequences;
 - if there have been any relevant prior warnings or disciplinary action;
 - the ability of the club to enforce disciplinary measures; and
 - any other mitigating circumstances.
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