

COMPLAINT HANDLING PROCESS

DEALING WITH ISSUES USING FORMAL PROCESSES

CHARACTERISTICS OF SERIOUS COMPLAINTS INCLUDE:

- Unlawful behaviour
- Repeated pattern of entrenched behaviour
- More than one person impacted upon
- More than one person perpetuating this behaviour
- Person complaining unable to address issue/Power imbalance
- Conflict of interest
- Person complaining wants formal disciplinary measure 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 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 the complaint)

1. Mediation
2. Management Committee hearing and decision
3. Escalation within sport (to district 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 the mediator to try and sort out their problems
- Contact a mediation agency to discuss the issue and arrange mediation if appropriate
- Appoint a mediator
- Ensure the Committee monitors the situation and reviews policies and procedures to prevent the problem from recurring

More resources

The WA Law Society or the Australian and New Zealand Sports Lawyers Association can refer you to legal practitioners who offer mediation services.

Option 2: Management Committee Hearing & 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 (e.g. 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 in the 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 the clubs complaint policy and procedures to understand how our club deals with complaints
- Contact our Member Protection Information Officer to discuss the complaint and how our district could support us to handle the complaint.
- If appropriate, refer the complaint to the WAFC and clarify our 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 and recommendations and review club policy and procedures.

Option 4: Referral to external agency

This is a good option when:

- Footballs member rules and disciplinary procedures do not enable our state sporting organisation to be involved in the complaint (e.g. our 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 and external investigation is required
- Whenever you are unsure and need to seek further advice