MEMBER PROTECTION FRAMEWORK:

NATIONAL COMPLAINTS PROCEDURE

FOOTBALL AUSTRALIA

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1. INTRODUCTION

Football Australia aims to provide a safe and enjoyable environment for all Members participating in Football. Everyone involved in our sport should be treated with respect and dignity and be free to participate without being discriminated against, harassed, bullied or abused.

However, Football Australia recognises that, like in all parts of life, disputes can arise in Football and Members will not always behave in accordance with the standards expected of them. That is why Football Australia has developed this national complaint handling procedure (***Complaints Procedure***), as a part of its Member Protection Framework.

When behavioural standards in Football are not met, people should feel confident to speak up. They should expect that their complaint will be taken seriously and handled with due process in a consistent, fair and impartial manner. Football Australia, and its affiliated Football Entities, are committed to meeting those expectations.

This Complaints Procedure aims to provide a clear process for complaints to be brought and managed in Football. It includes minimum standards expected of Football Entities when handing a complaint and a range of options for dealing with the variety of complaints that arise. It applies to all Member Protection matters in Football in Australia with the exception of safeguarding, which is instead subject to the standalone Safeguarding Policy.

Finally, this Complaints Procedure serves to provide guidance to all people involved in a complaint (including the Complainant, Respondent and person handling the complaint) as to what to expect in the process.

2. APPLICATION

2.1 Who does this Complaints Procedure apply to?

This Complaints Procedure applies to Football Australia, State Body Members, district associations, regional branches or Zones, Competition Administrators, Clubs (together, Football Entities), Officials and Players (whether they are in a paid or unpaid capacity). To the fullest extent possible, it also applies to parents and guardians of Players and to spectators at matches.

2.2 Football Entities

This Complaints Procedure provides a minimum standard expected of Football Entities for dealing with complaints.

Football Entities are responsible for applying this Complaints Procedure in relation to their Members. Football Entities must also publish, distribute and promote this Complaints Procedure to their Members.

The Complaints Procedure may be supplemented by further rules, policies and procedures provided they are not inconsistent with the terms or principles of this document, as determined by Football Australia.

2.3 Status

This Complaints Procedure has been endorsed by the Football Australia Board and forms part of the FA Statutes. It replaces the processes contained in Football Australia's repealed member protection policy and applies with immediate effect on and from 18 December 2020, subject to the transitional measures set out in section 13 below.

3. MATTERS COVERED BY THIS COMPLAINTS PROCEDURE

3.1 Scope

This Complaints Procedure forms part of Football Australia's Member Protection Framework. It is intended to deal with reporting and complaints regarding Member Protection matters, such as discrimination, bullying, harassment and abuse in Football (other than Child abuse or abuse of an Adult at Risk, which falls under the standalone Safeguarding Policy).

SAFEGUARDING CHILDREN AND ADULTS AT RISK

If a complaint relates to the abuse of Child or Adult at Risk, please refer directly to the Safeguarding Policy available at:

www.footballaustralia.com.au/safeguarding

Any person may report a complaint about a Member if they reasonably believe that the Member has engaged in conduct that is prohibited under Football Australia's Member Protection Framework, accessible on the Football Australia website at www.footballaustralia.com.au/memberprotection.

However, to be clear, Football Australia does not wish to discourage people from reporting or bringing complaints in relation to any other inappropriate or unethical behaviour by a Member that they observe. Such matters may be dealt with under other parts of the FA Statutes or its constituent Football Entity's rules, regulations and policies. If in doubt, it is always best to contact the local Football Entity (eg Club or Competition Administrator) to seek further information.

As detailed further below, a complaint may not always be concluded within the scope of this Complaints Procedure.

The subject matter of a complaint may be more appropriately dealt with under other Football regulations (such as the National Code of Conduct and Ethics or National Disciplinary Regulations). Or it may be more appropriate that the complaint be raised with an external agency (such as the police, Human Rights Commission or Fair Work

Commission). This will depend on the nature of the complaint and the relief that the complainant is seeking.

3.2 Application of other Football regulations outside the Member Protection Framework

Reports or complaints that may be more appropriately dealt with under other rules, regulations or policies of Football Australia or its constituent Football Entities include the following:

(a) most "on-field" disciplinary matters are typically dealt with by the referee under the FIFA Laws of the Game and/or escalated to the Competition Administrator for action in accordance with the National Disciplinary Regulations, available on the Football Australia website at https://www.footballaustralia.com.au/ (or, in the case of the National Leagues, the disciplinary regulations that apply for those competitions);

(b) the Football Australia Grievance Procedure provides the resolution process for certain disputes, such as certain player contract disputes; and

(c) in accordance with the National Code of Conduct and Ethics, integrity breaches of the ethical misconduct provisions must be reported directly to the Football Australia Integrity Department, via Football Australia's dedicated confidential online Reporting Form at www.footballaustralia.com.au/report or calling the confidential reporting hotline on 1800 571 850.

Members should note therefore that a matter that may commence as a report or complaint of a Member Protection matter under this Complaints Procedure may ultimately be dealt with under another rule, regulation or policy in Football.

3.3 Whistleblower Protection

Complainants should note that they may qualify for "eligible whistleblower" protection where they report certain matters in line with Football Australia's whistleblower policy. A copy of the Football Australia Whistleblower Policy can be found at www.footballaustralia.com.au/whistleblower together with more information about the policy.

Other Football Entities may also have a whistleblower policy which provides protection to Complainants. Complainants should visit the relevant Football Entity's website or contact them directly for more information about whistleblower protection.

4. WHAT TO CONSIDER BEFORE MAKING A COMPLAINT

4.1 First step – self-management

Before raising a complaint, a person may seek to initially attempt to resolve the complaint with the other person involved if it is safe, reasonable and appropriate to do so.

Self-management of complaints can quickly resolve many lower level and "accidental" issues through directly talking with the other person involved.

Self-management may be an appropriate option for the following types of situations:

(a) A committee member tells offensive jokes at meetings;

(b) A parent uses abusive language and often questions refereeing decisions;

(c) The coach keeps patting a person on the head as they try to encourage them; or

(d) The club secretary laughs at a person every time that person makes a suggestion.

If self-management is not possible or reasonable given the seriousness or sensitivity of the complaint or attempts at self-management do not provide a satisfactory outcome, the Complainant may wish to seek out further information or support. This may be provided by the MPIO of the relevant Football Entity (see section 5.3 below for more information on the role of MPIO).

4.2 Second step – obtaining information and support

Sometimes a person requires reassurance, information and support before taking further steps. In this case, they may benefit from seeking support from a range of sources, such as the coach, a board or committee member, the State Body Member, external agency (such as the Human Rights Commission or a state government Department of Sport and Recreation), the Play By The Rules website at www.playbytherules.net.au, or an MPIO at the Football Entity.

A person should consider raising the matter with an MPIO if they are:

(a) not sure what to do;

(b) not sure of the rights and responsibilities of the parties, the Football Entity (eg the Club) or themselves; or

(c) not able to deal with or resolve the complaint or concern directly.

After talking with the MPIO, a Complainant may decide:

(a) there is no problem;

(b) the problem is minor and they do not wish to take the matter forward;

(c) to try and resolve the problem themselves, with or without a support person; or

(d) to try and resolve the problem with the help of someone impartial, such as a mediator.

If the above steps cannot be taken or do not resolve the issue, the person may decide to make a complaint to the relevant Football Entity, in accordance with the principles set out in Section 5 below (“Where to Direct a Complaint”).

4.3 Method of complaint

Concerns may be raised, or complaints made, with a Football Entity by a variety of means. They may be made in writing (such as by email or filling out an online form), by contacting the relevant Football Entity or reported directly through Football Australia’s independent external integrity partner, Core Integrity by following the instructions in this link: https://footballaustralia.com.au/governance/integrity-framework.

The relevant Football Entity may provide a preferred means of communication to most effectively direct a complaint.

4.4 How to prepare

It will help the Complainant, as well as the person receiving the complaint (likely the Complaint Handler), if the Complainant is well prepared when raising an issue.

It will assist the process for a Complainant to clearly identify ***what*** happened, ***when*** it happened, ***where*** it happened and ***who*** was involved (including any witnesses that may be able to assist). Any relevant background or context to a complaint may also assist.

Football Australia has provided a sample Complaints Form at ***ANNEXURE B*** to this Complaints Procedure which can be used by Complainants. Even if a Complainant does not wish to submit a written complaint, it can help if they fill out the form for their own use as it will direct them to think of all the matters that may be important to the complaint.

4.5 Anonymous complaints

A Complainant may also wish to remain anonymous in making their complaint. Football Entities will assist in maintaining the anonymity of a Complainant if that is their wish (subject to any legal requirements). However, Complainants should note that this may limit the ability of the Football Entity to adequately deal with the subject matter of the complaint. People who are the subject of the complaint are entitled to Procedural Fairness in any disciplinary proceeding that arises from a complaint, such as proceedings under the National Code of Conduct and Ethics.

4.6 Malicious and vexatious complaints

A person must not make a complaint that they know is untrue or is vexatious or malicious. Where a Member makes such a complaint, they may be subject to disciplinary proceedings in accordance with the Football Australia National Code of Conduct and Ethics.

5. WHERE TO DIRECT A COMPLAINT

5.1 Which Football Entity should I contact?

Concerns and complaints should be raised and handled at the lowest level first, wherever possible.

Therefore, complaints should be directed to the Football Entity at the level at which the behaviour or incident occurred. The following examples are provided by way of illustration:

(a) Club level matter: incidents that occur at club level, or that involve people operating at club level, should be reported to and handled by the club at first instance.

Club matters

Example 1: *a player at a local grassroots club believes that the coach of their team is bullying and abusing them and wishes to make a complaint about the coach's behaviour. This matter should be reported to and handled by the player's club.*

Example 2: *a parent of a player at a local grassroots match observes another parent from the same club abusing and harassing the coach. This matter should be reported to and handled by the club.*

Example 3: *a coach at a club observes a committee member from the club making inappropriate and potentially discriminatory comments during the club's official end of season presentation night. This matter should be reported to and handled by the club.*

(b) District association or local Competition Administrator level matter: incidents that occur at district association or local Competition level (eg inter-club matters where the district association is the Competition Administrator), or that involve people operating at district association or Competition Administrator level, should be reported to and handled by the district association or local Competition Administrator at first instance.

District association / Competition Administrator matters

Example 1: *a player from a club that plays in a Competition administered by a district association makes derogatory and abusive comments on social media about a player from a rival club that plays in the same competition. The comments may also amount to vilification. This matter should be reported to and handled by the district association.*

Example 2: *a committee member at a local Competition Administrator treats a fellow committee member less favourably because of their cultural background and makes derogatory comments about them to other members of the Football community. This matter should be reported to and handled by the Competition Administrator (and/or an external agency, where appropriate).*

Example 3: *a parent of a player at a local grassroots club match witnesses the opposing team manager abusing the referee. This matter should be reported to and handled by the Competition Administrator.*

(c) State Body Member matter: incidents that occur at state level, or that involve people operating at state level, should be reported to and handled by the State Member Body at first instance.

State Body Member matters

Example 1: *At trials for a state representative team, a parent of a player that is trialling observes another parent and the coach of the team in a heated argument. During the*

argument, the coach makes derogatory comments about the parent's sexual orientation. This matter should be reported to and handled by the State Body Member.

Example 2: *An NPL player believes they are being harassed and bullied by an NPL player from a rival club. The behaviour in question happens when they play against each other and continues after the match in the car park. This matter should be reported to and handled by the State Body Member.*

Example 3: *At a national championship tournament between state representative teams, a spectator observes a parent from a state team being abusive towards, and intimidating, that same state team's manager. This matter should be reported to and handled by the State Body Member for that state team.*

Example 4: *A club official raises a complaint at district association level and is subsequently treated unfairly and victimised by the district association for raising the complaint. This matter should be reported to and handled by the State Body Member.*

(d) Football Australia matter: only matters occurring at the national level (ie incidents that occur at the National Team level or that involve people operating at the National Team level or between clubs in a national competition) or the most serious matters at state or territory level which Football Australia considers would be in the best interests of Football for Football Australia to handle, should be reported to and handled by Football Australia.

Football Australia matters

Example : *A national team player bullies another national team player by making constant threats and humiliating them in front of the other players while in camp. This matter should be reported to and handled by Football Australia.*

Please note that if a local matter is directed to the wrong organisation (eg a local grassroots club matter being directed to Football Australia), it is likely that the matter will be re-directed to the appropriate Football Entity, who is best placed to deal with the matter.

5.2 Who is the best person to speak to or address a complaint to?

The best person to initially raise a concern with or make a complaint to at a Football Entity is usually their Member Protection Information Officer or "MPIO". The role of the MPIO is set out in further detail below, as well as the distinct roles of Complaint Handler or Complaint Officer, who may ultimately be responsible for handling the complaint.

5.3 MPIOs

MPIO

A Member Protection Information Officer or MPIO is a person who has satisfied their state's or territory's requirements for becoming an MPIO. The MPIO is responsible for providing ***information*** *about a person's* ***rights, responsibilities and options*** *to an individual making a complaint or raising a concern, as well as* ***support*** *during the process. They may reside within the club, district association, Competition Administrator, State Body Member or Football Australia. They will have knowledge of the various processes and policies that apply within the relevant Football Entity. They are NOT a person who investigates matters, advises, or advocates for the complainant.*

Football Entities should aim to appoint a MPIO who is not an officeholder (e.g. club chairman, secretary) to avoid possible conflicts of interest.

The contact details for the MPIO of each State Member Body are available on the Football Australia Member Protection Framework page at: www.footballaustralia.com.au/memberprotection.

State Member Bodies will also be able to assist in providing contact details for local Club and district association MPIOs, where a Complainant is not able to locate these directly. If a Club or district association does not have an MPIO, the organisation at the level above them or the State Body Member should be able to provide an MPIO to explain the process of a complaint and provide impartial support to the complainant.

For national matters and the most serious matters at state or territory level, Football Australia's MPIO can be contacted via email at MPIO@footballaustralia.com.au. Such matters may also be discussed with and reported to Football Australia's independent external integrity partner, Core Integrity, via the Football Australia Report Hotline on 1800 571 850 or by using the confidential Football Australia online Reporting Form available at www.footballaustralia.com.au/report.

As noted above, an MPIO will not be involved in the handling of a complaint by way of investigating or determining matters.

MPIOs:

(a) are trained to be the first point of contact for any person considering making a complaint under this Complaints Procedure;

(b) provide confidential, impartial and timely information and support; and

(c) act as a sounding board and provide information about the local complaint resolution options available.

5.4 Complaint Handlers and Complaint Officers

When a complaint is made to a Football Entity, including to the MPIO, it may be directed to a Complaint Handler or a Complaint Officer within the organisation to be dealt with.

More information about the roles of Complaint Handler and Complaint Officer is set out below.

Complaint Handler

A Complaint Handler is any person in authority at the Football Entity who may be required to manage complaints or concerns. This may include resolution, investigation and mediation of complaints (or appointing external investigators or mediators), as set out in this Complaints Procedure below. Complaint Handlers at the club or district association level may typically be in the role of a president, secretary, committee member, coach or official.

Complaints Officer

A Complaints Officer is a nominated person within the Football Entity delegated to deal with complaints. People wishing to lodge a complaint may be directed by the MPIO to this person. A Complaints Officer is authorised to investigate and act on complaints without consulting the committee or board, although they will typically report back to the committee or board on a need-to-know basis about the incident, any actions they have taken and the results. As a Complaints Officer is a dedicated role, many Football Entities may not have one appointed and simply rely on their Complaints Handler.

Football Entities should appoint people with the appropriate skills, expertise and experience to fulfil the role of Complaints Handler or Complaints Officer. Information on further resources available for handling complaints is contained in section 11 below.

5.5 Using social media to complain

Complaints about Football matters should not be made on social media.

Complaints should be made via the approved channels advised by Football Entities. Complainants should also be aware of the risks of making claims online (including defamation and other laws that may apply) and ensure that they comply with Football Entity's social media policies. Football Entities may not acknowledge or accept a formal Member Protection matter complaint via social media.

5.6 External agencies

Depending on the nature of the complaint, Complainants may also pursue their complaint through external bodies such as anti-discrimination agencies, the Fair Work Commission and law enforcement agencies such as the police.

This may happen at any time in the complaints process.

Where a complaint is referred to the police or an external agency, the Football Entity will endeavour to provide all reasonable assistance required by the police or that agency. It may also be necessary for the Football Entity to suspend or stay any ongoing investigation

or proceedings pending external resolution, so as not to compromise those external

processes. This decision will be made by the Football Entity, having regard to the particular circumstances of the case. After external resolution by the police or other external agency, the Football Entity must determine whether to resume the complaints process.

6. HOW A COMPLAINT WILL BE HANDLED

6.1 Minimum standards that apply when handling a complaint

Football Entities should aim to resolve complaints with as little formality and as much expedition as proper consideration of the matter requires. However, in handling complaints under the Member Protection Framework there are some minimum standards that apply. Football Entities will:

(a) deal with the complaint promptly, seriously and sensitively and in accordance with the terms of this Complaints Procedure;

(b) treat complaints in a consistent and fair manner (whilst acknowledging that each complaint is unique);

(c) recognise that Procedural Fairness is the minimum standard of fairness to be applied in the determination of a complaint;

(d) keep the complaint confidential and not disclose a complaint to another person without the Complainant's consent, except if:

(i) required by law; or

(ii) disclosure is necessary to effectively deal with the complaint (including by directing the complaint to the appropriate organisation).

However, Complainants should note remaining anonymous may hinder the ability of the Football Entity to appropriately deal with the complaint, as noted in section 4.5 above;

(e) respect the parties' privacy and comply with all applicable privacy laws, including under the *Privacy Act 1988* (Cth);

(f) ensure that all complaints received are properly documented and securely stored;

(g) keep the parties reasonably informed and updated about the process; and

(h) take all necessary steps to make sure that people involved in a complaint are not victimised or harassed and, if they are, ensure that appropriate disciplinary action is taken.

6.2 Options in handling a complaint

Not all complaints are the same. There is no "one size fits all" model for handling a complaint. However, this Complaints Procedure aims to provide a range of options that may be suitable in a given case.

A Complainant will often have in mind an outcome that they are seeking, such as:

(a) an apology;

(b) for the behaviour to stop;

(c) another opportunity (for example, if they weren't selected for a team or squad);

(d) to have someone removed from a team or position; or

(e) to have someone disciplined in some other way.

The desired outcome can influence the complaint resolution option chosen. For example, a request for a person to receive a disciplinary sanction requires a more formal process than may be needed to obtain an apology.

It is part of the Complaint Handler's role to suggest the different options available to people who have a concern or complaint.

A flowchart is provided at ***ANNEXURE A*** to summarise in simple terms the path that a complaint may be expected to take under this Complaints Procedure (however, it is not to be treated as a substitute for the actual terms of the body of this document).

6.3 Self-management

In appropriate cases, the Complaints Handler may opt to assist the Complainant to try and self-manage the complaint (as set out in Section 4.1 above). In providing this assistance, the Complaints Handler could:

(a) advise the Complainant that self-management is an option;

(b) discuss how to self-manage (including providing practical tips);

(c) rehearse some lines with the Complainant; and

(d) if the Complaints Handler thinks it is appropriate, accompany the Complainant when they go to talk to the person with whom they have an issue (but not act as an advocate for them) or explore with them who else may be able to accompany them (such as a trusted friend or coach).

6.4 Informal procedures

A Complaints Handler may assist in facilitating a resolution to complaints by informal complaint handling means. The focus here is on resolution, not substantiation.

Informal procedures may be useful when the:

(a) allegations are less serious;

(b) allegations are admitted;

(c) relationships are important to maintain;

(d) the Complainant prefers an informal option; and/or

(e) behaviour has been observed by the Complaints Handler.

The following are four (4) different ways in which a complaint may be handled informally:

(f) observation;

(g) counselling;

(h) mediation; and

(i) education.

6.5 Observation

The first informal way of dealing with a complaint is by observation.

"Observation" means that a person with authority at the Football Entity (including the Complaint Handler) may act if they directly witness inappropriate behaviour which may breach the Member Protection Framework or a code of behaviour. In other words, they can take steps to deal with the behaviour without an actual complaint being formally raised by a third party.

Observation

Example: *a coach at a senior women's grassroots team constantly uses derogatory terms when referring to the players. The club secretary attends training and hears the coach using this language during the session. The secretary is able to call the coach over and tell them that this behaviour is unacceptable.*

In this instance, the behaviour of concern has been observed by the Football Entity and informal steps taken directly which may deter the behaviour from happening again.

6.6 Counselling

Sometimes, a matter can be resolved informally to the satisfaction of the parties where the person the subject of the complaint is counselled about their behaviour.

With counselling:

(a) a person with authority at the Football Entity talks to the individual concerned to get their side of story;

(b) it does not have to be a disciplinary measure; and

(c) it helps to make the individual understand the reason for concern about, and the impact of, their behaviour.

Note: "Counselling" in this section is not intended to be a reference to trained professional counselling or psychological treatment.

Counselling

Example: *The club secretary and the coach have a discussion about the inappropriate language being used. The secretary explains that certain words they have been using are offensive, inappropriate and are upsetting for the players.*

The secretary observes that this is out of character for the coach and asks if anything is wrong. The coach says that they have been frustrated with the players not listening to instructions and acting up at training.

The coach usually keeps a cool head but, three weeks ago, they lost their job and they admit they are feeling under pressure.

The secretary is surprised as they had heard nothing about this and the coach had an excellent reputation for their work. The coach now appreciates that their behaviour is unacceptable and that external pressures have got the better of them. They undertake to do training and to refrain from using the language again.

It is important that the Football Entity keeps a record of when an individual is counselled about their behaviour.

6.7 Mediation

Complaints may be resolved by agreement between the people involved with no need for formal disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it.

If chosen by the parties as a means of seeking to resolve the dispute, the Complaint Handler will in consultation with the Complainant and Respondent(s) arrange a neutral third-party mediator (where possible).

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, they help those involved to discuss the issues and seek to facilitate a mutually agreed outcome. The mediator, in consultation with the Complainant and Respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.

If mediation is chosen, it will be conducted confidentially and *without prejudice* to the rights of the Complainant and the Respondent(s) to pursue an alternative process if the complaint is not resolved.

At the end of a successful mediation, where appropriate, the mediator may seek to ensure that the parties execute a document that sets out the agreement reached, which will be signed by them as their agreement to the resolution.

In summary, with mediation:

(a) an impartial person assists parties to negotiate and resolve an issue by mutual agreement;

(b) the mediator guides the process rather than making decisions or solving the problem;

(c) it is usually used to resolve interpersonal conflict; and

(d) all parties must be willing to participate.

Mediation

Example: *one of the players was so upset by the language being used by the coach that they no longer want to play Football. They complain to the club's committee about the coach's behaviour and ask for the coach to be removed.*

The coach acknowledges that their behaviour was inappropriate and apologises. However, the player does not want to come back to the team while the coach is still in charge. The other players on the team want the player to return, but have also accepted the coach's apology and are happy for the coach to stay on.

The committee (with agreement from the player and coach) decides to bring in a mediator from the local association to help see if the coach and player can come to some sort of agreement.

Mediation may occur before or after the formal investigation of a complaint.

A Complaint Handler will ***not*** recommend mediation if:

(e) the people involved have a completely different version of the events and will not deviate from them;

(f) the Complainant or Respondent are unwilling to attempt mediation;

(g) due to the nature of the complaint, the relationship between the Complainant and the Respondent(s) or any other relevant factors, the complaint is not suitable for mediation; or

(h) the matter involves proven serious allegations, regardless of the wishes of the Complainant.

6.8 Education

(a) Education does not replace the need to counsel or discipline an individual who has done the wrong thing. However, education can be used as a tool to help prevent and stop inappropriate behaviour, especially in groups.

(b) To assist Members to understand this Complaints Procedure and their rights and responsibilities, Football Australia is responsible for developing and implementing an education plan addressing its content and subject matter and may direct

Football Entities or Members to education resources and training materials provided by Sport Integrity Australia or the Australian Sports Commission.

(c) A Football Entity may, from time to time, direct certain Members to undertake education, which will be relevant and proportionate to their level of participation in Football and the associated integrity risks.

Education

Example: *The President of the club sits down with the coach and explains that:*

- *The coach can and should ask for assistance during a stressful period, such as bringing in another coach, or promoting the assistant coach;*
- *In line with the club's code of conduct, verbal abuse and intimidation of members is not appropriate under any circumstances;*
- *The club is willing to offer support, including moral support; and*
- *The club can offer ongoing monitoring – the President and the coach book in another conversation in a week's time.*

Although education does not include the provision of professional counselling services, the club does have the option to link the coach to local counselling services.

6.9 Formal procedures

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

(a) make a formal complaint in writing to the Football Entity (directed to the Complaints Handler or Complaints Officer), or

(b) approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

Formal complaints may be lodged using the Football Australia online Reporting Fool available at www.footballaustralia.com.au/report or by calling the Football Australia Report Hotline on 1800 571 850. The Football Australia reporting tool is managed by Football Australia's independent integrity partner, Core Integrity, who will assist in directing the report to the appropriate body. All complaints that relate to a national matter or a most serious matter at the state or territory level should be lodged via the Football Australia online Reporting Form.

Alternatively, a Complainant may submit a duly completed copy of the Complaints Form at ***ANNEXURE B*** to the relevant Football Entity if a hard copy form is preferred.

6.10 What does a formal process look like?

From complaint to outcome, a formal process typically follows the following path (in summary):

(a) a formal written complaint is lodged using the Football Australia online Reporting Form at www.footballaustralia.com.au/report or directly with the Complaints Handler (or Complaints Officer) at the relevant Football Entity by submitting to them a duly completed copy of the Complaints Form at ***ANNEXURE B***;

(b) an investigation may take place to collect further information, determine the substance of the complaint;

(c) a report may be prepared and submitted to the Football Entity setting out a summary of the facts with recommendations on next steps;

(d) in some cases, a mediation or separate tribunal / arbitration process occurs; and

(e) an appropriate outcome is reached.

6.11 Advantages of formal procedures

The formal approach has a number of advantages, including:

(a) promoting consistency;

(b) maintaining formal records;

(c) providing clear and enforceable outcomes;

(d) the Complainant (or other Member) may be vindicated;

(e) a resolution can be monitored; and

(f) it provides a learning opportunity.

6.12 When to use formal procedures

Formal procedures are usually appropriate in the following circumstances:

(a) informal attempts have failed;

(b) the complaint involves serious allegations;

(c) allegations are denied;

(d) the complaint is against someone holding a senior position in the relevant organisation;

(e) the Complainant has been victimised; and/or

(f) the Complainant wants to make it formal.

6.13 Overview of steps taken by a Complaint Handler in a formal complaint

After receiving a formal complaint, and based on the material provided by the Complainant, the Complaints Handler (or Complaints Officer) will decide whether:

(a) they are the most appropriate person to receive and handle the complaint;

(b) the nature and seriousness of the complaint requires a formal resolution procedure;

(c) whether the conduct alleged in the complaint would, if proven to the requisite standard, constitute a breach of the Member Protection Framework, as well as whether it otherwise meets the requirements under this Complaints Procedure;

(d) to refer the complaint to mediation (subject to the parties' agreement);

(e) to investigate further or appoint another person to investigate the complaint (in accordance with section 6.16 below);

(f) to provide a report of the matter to the Football Entity recommending disciplinary action e.g. under the National Code of Conduct and Ethics;

(g) to refer the matter to the police or other appropriate authority; and/or

(h) to implement any interim arrangements that will apply until the complaint process is completed, either:

(i) under clause 7 of the National Code of Conduct and Ethics; or

(ii) where an allegation suggests a risk of harm to a Member or other person which justifies imposing interim action to mitigate any potential harm to any person and/or interference in an investigation.

6.14 Matters for the Complaint Handler to take into account

In dealing with a formal complaint, the Complaints Handler (or Complaints Officer) will take into account:

(a) whether they have had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;

(b) the wishes of the Complainant and Respondent, regarding how the complaint should be handled;

(c) the relationship between the Complainant and the Respondent (e.g. an actual or perceived power imbalance between the Complainant and the Respondent);

(d) whether the facts of the complaint are in dispute; and

(e) the urgency of the complaint, including the possibility that the Complainant might face further unacceptable behaviour while the complaint process is underway.

6.15 Further steps to be taken by the Complaints Handler

If the Complaints Handler (or Complaints Officer) is the appropriate person to handle the complaint, they will, where appropriate and/or necessary:

(a) conduct further investigations, including by providing sufficient details about the complaint to the Respondent(s) and ask for a response;

(b) decide if there is enough information to determine whether the matter alleged in the complaint did or did not occur; and/or

(c) determine what, if any, further action to take, including referring the matter for investigation or recommending disciplinary action in accordance with the Football Entity's regulations, including the National Code of Conduct and Ethics.

6.16 Investigation process

If an investigation needs to be conducted to gather more information about a complaint, an impartial person will undertake the investigation (***Investigator***). This may be a person from within the Football Entity who is not otherwise connected to the complaint, such the Complaints Handler, Complaints Officer or another appropriate staff member such as a legal professional or person with experience in conducting investigations (such as a background in law enforcement). Or, if appropriate in the circumstances, an independent external investigator may be appointed.

Appointing an independent external investigator in appropriate cases may assist in giving people confidence and trust in the Football Entity's complaints procedure, without the need to escalate a matter to another organisation.

If an independent external investigator is appointed, the Football Entity must provide them with a written brief outlining the terms of their engagement and their roles and responsibilities.

In conducting an investigation, an Investigator:

(a) may interview the Complainant and record the interview in writing. Alternatively, they may request the Complainant provide a written statement outlining the nature of the complaint.

(b) must convey sufficient details of the complaint to the Respondent(s) so that they can respond but without compromising the integrity of the investigation process.

(c) may interview the Respondent to allow them to answer the complaint, and record the interview in writing. Alternatively, they may request the Respondent provide a written statement outlining their response.

(d) may obtain statements from witnesses and other relevant evidence to assist in establishing the facts, if there is a dispute over the facts.

(e) may deliver a report to the relevant Football Entity as to whether in their view the complaint is:

  (i) substantiated (there is sufficient evidence to support the complaint);

  (ii) inconclusive (there is insufficient evidence either way);

  (iii) unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or

  (iv) mischievous, vexatious or knowingly untrue; and

  (v) if requested, recommend whether action should be taken in accordance with the National Code of Conduct and Ethics or any other relevant rules, regulations or codes.

The Complainant and the Respondent(s) will be entitled to support throughout the investigation process from their chosen support person or adviser (e.g. an MPIO or other person).

All parties should note that the Investigator is not seeking to resolve the matter, or to decide whether any breach of any Football regulations (including the National Code of Conduct and Ethics) has occurred, or to impose any penalty.

The Investigator may make recommendations in their report. However, any decision about a breach must be referred to the relevant Football Entity to consider and determine in accordance with their rules and, where applicable, the National Code of Conduct and Ethics.

6.17 Disciplinary and other Football proceedings

Following a complaint, where a Football Entity considers that one of its Members has engaged in conduct that requires further action, they may consider commencing disciplinary proceedings.

This Complaints Procedure does not provide the basis for disciplinary action in Football. Rather, a Football Entity must take action under the relevant disciplinary rule, code or regulation.

Most Member Protection matters which require disciplinary action will fall under the National Code of Conduct and Ethics. The National Code of Conduct and Ethics provides a process to be followed before a disciplinary sanction may be issued. This process is provided in line with the principles of Procedural Fairness.

Football Entities may also implement supplementary codes, rules or regulations to regulate behaviour in their jurisdiction (provided they are not inconsistent with the National Code of Conduct). They may also provide a grievance procedure for the resolution of disputes between their Members.

6.18 Appeals

Where disciplinary action has been taken and the Respondent disputes the findings or sanctions, the Respondent may appeal that decision in accordance with the disciplinary rule, code or regulation that was applied. Where disciplinary action has been taken under the National Code of Conduct and Ethics, the Respondent may appeal subject to satisfying the requirements in clause 6.3 of the National Code of Conduct and Ethics and judicial bodies by-law (as adopted by Football Australia from time to time).

6.19 Matters that are not for resolution under this Complaints Procedure

While Football Entities will take all reasonable steps to help facilitate a resolution to complaints, they may ultimately consider that the complaint is not a Football Member Protection matter for resolution under this Complaints Procedure or cannot be resolved within this Complaints Procedure. It may be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority. The Football Entity will advise the Complainant if this is the case.

This might occur where:

(a) there is an interpersonal conflict that cannot be resolved within the sport's dispute resolution framework (e.g. where the matter cannot be mediated);

(b) Football Australia or a Football Entity may not be able to provide the remedy that the Complainant is seeking (e.g. a restraining order);

(c) the alleged conduct, if proven, would not constitute a breach of the Member Protection Framework; or

(d) the matter is not sufficiently connected to Football and is more appropriately addressed through other external means, such as civil legal action or reporting the matter to police.

As noted in Section 5.6 above, a Complainant may raise a matter with an appropriate external agency at any time.

7. HOW LONG IT WILL TAKE TO DEAL WITH A COMPLAINT

Not all cases are alike. It is therefore hard to put a precise timeframe on resolving a complaint.

It may also depend on the outcome that the Complainant is seeking. Less serious problems may be resolved very quickly and informally. However, more complex matters take longer to investigate and resolve. Where formal proceedings are commenced, timelines can extend.

However, Football Entities should respond to complaints as quickly as possible before the situation worsens. Receipt of a complaint should be acknowledged by the Football Entity within 48 hours.

Serious complaints such as child abuse (see the Safeguarding Policy here www.footballaustralia.com.au/safeguarding), physical assault, sexual harassment and sexual assault should be responded to immediately.

Football Entities should aim to resolve most complaints within three (3) months, subject to the nature of the complaint.

8. ESCALATING MATTERS WITHIN FOOTBALL

8.1 When to escalate a matter

As noted above, a Complainant should seek to resolve the complaint at the lowest level possible. However, where a Complainant is not satisfied with the handling of their complaint, or it would not be appropriate to raise the complaint at the lower level (for example, due to a conflict of interest or risk of victimisation), they may escalate their complaint to the next level (up to the State Member Body).

Whilst it is up to the Football Entity to decide whether to take any disciplinary action against a Member following a complaint (such as under the National Code of Conduct and Ethics), the Football Entity must always handle the complaint in accordance with the minimum standards outlined in section 6.1 of this Complaints Procedure.

A Complainant may wish to escalate a matter if they feel that a Football Entity has not handled the complaint in accordance with this Complaints Procedure. However, it is not enough that the complainant disagrees with the outcome. They must demonstrate that the appropriate processes were not followed by the Football Entity in dealing with the complaint. In other words, there is no right of appeal from a Football Entity's discretionary decision not to take disciplinary action against a Member, provided the Football Entity has acted in accordance with this Complaints Procedure.

As noted above in section 5.1(d), only matters that occur at the national level or the most serious matters at state or territory level, and which Football Australia considers are in the interests of Football as a whole, may be escalated to Football Australia.

8.2 What happens when a Football Entity does not comply with the Complaints Procedure?

Where a complaint is escalated from one Football Entity (***the original recipient***) to another (***the further recipient***) because the original recipient did not follow the Complaints Procedure, the further recipient will consider whether:

(a) the Complaints Procedure has in fact been followed by the original recipient to the further recipient's satisfaction and no further action on the complaint is necessary; or

(b) the Complaints Procedure appears not to have been followed by the original recipient and the further recipient will refer the complaint back to the original recipient to reconsider in accordance with this Complaints Procedure, if appropriate; or

(c) the Complaints Procedure appears not to have been followed by the original recipient and the further recipient decides to handle the complaint itself.

8.3 Disciplinary proceedings

Escalations of matters under this Complaints Procedure are different to appeals or reviews of disciplinary action taken by a Football Entity.

Where formal disciplinary proceedings have commenced in relation to a matter the subject of the complaint, a Complainant (or any other party) may not be able to escalate a matter within Football unless those proceedings have been completed and relevant procedure followed. All parties must respect and follow the formal disciplinary proceedings within Football.

Complainants may not be a party to such disciplinary proceedings and therefore may not have a right of appeal to decisions made by a Football Entity. For example, where a Football Entity takes disciplinary proceedings against an individual and a tribunal or committee makes a finding (including as to culpability and/or sanction), the Complainant would not have standing to appeal that decision if they are unhappy with the outcome as they are not a party to the proceedings (rather, they would be a witness).

8.4 Finality

It should also be noted that there needs to be some finality to certain decisions made by Football Entities and there will not always be endless levels of review or unlimited rights to appeal outcomes from a complaint within Football.

As noted above, only the most serious of matters at state or territory level, and which Football Australia considers are in the interests of Football as a whole, should be escalated to Football Australia. This is reflective of the federated structure that Football operates in Australia, which provides that State Body Members are responsible for administering Football within their jurisdiction. Therefore, they should be the final level of review for most local matters.

9. RESOLVING OR CLOSING A COMPLAINT

9.1 Concluding a complaint

When a complaint is raised to a Football Entity under this Complaints Procedure, it is concluded within Football in one of four ways. It is:

(a) resolved between the parties (e.g. by informal means, such as mediation);

(b) dealt with as a disciplinary matter (e.g. under the process provided in the National Code of Conduct and Ethics);

(c) withdrawn by the Complainant to be dealt with elsewhere (such as an external anti-discrimination agency or the police); or

(d) closed by the Football Entity (e.g. because the Football Entity has determined that no further action is necessary or, subject to section 5.6, that it has been resolved by an external body).

9.2 Documenting the complaint

The Football Entity must document all complaints, the steps taken in handling the complaint and its outcome. Such documentation must be stored in a confidential and secure place and be handled in accordance with any privacy laws that apply.

A sample Record of Complaints Form is provided at ***ANNEXURE C*** to this Complaints Procedure, which can be used by Complaints Handlers to document a complaint.

10. SUPPORT FOR COMPLAINANTS

Football Australia is committed to ensuring that all Complainants feel supported and able to raise issues which relate to Football Australia's Member Protection Framework.

MPIOs are available to provide support throughout the processes outlined in this Complaints Procedure.

Importantly, no person is to be treated unfairly or victimised for making a complaint. Football Entities may take action in accordance with the National Code of Conduct and Ethics against a person who engages in unfair treatment or victimisation of a Complainant.

Football Entities may also assist in directing Complainants to external experts who provide counselling and mental health services to offer further support, where appropriate.

11. RESOURCES FOR COMPLAINT HANDLERS

11.1 Play By The Rules

The "Play By The Rules" website at https://www.playbytherules.net.au/complaints-handling provides useful resources for dealing with complaints in sport. In particular, there are online courses available for complaint handling, free of charge.

11.2 Other resources

Complaint Handlers at Football Entities may also find assistance from their state Department for Sport and Recreation or equivalent.

12. DEFINITIONS AND INTERPRETATION

12.1 Definitions

In this Complaints Procedure:

Adult at Risk means a person who is 18 years of age or over and who has specific needs for care and support and is or at risk of abuse or neglect and due to their care and support needs is unable to protect themselves from either the risk or of the experience of abuse or neglect.

Child or Children means a child, being a person who is under the age of 16 years, or a young person, being a person who is aged older than 16 years but is under the age of 18 years.

Safeguarding Policy means Football Australia's safeguarding policy, as amended from time to time.

Club means any club admitted by:

(a) a Competition Administrator to field a team in a Competition; or

(b) Football Australia to field a team in a National League or a National Championship.

Competition means any league, competition or tournament administered, controlled or sanctioned by Football Australia in accordance with the National Registration, Status and Transfer Regulations or one of the State Body Members, including the pre- season, season proper, finals series and any post season tournament or knockout cup competition of that Competition.

Competition Administrator means the entity responsible for the conduct and staging of a Competition.

Complainant means a person who has raised, or is proposing to raise, a complaint in accordance with this Complaints Procedure.

Complaint Form means the form provided in ANNEXURE B.

Complaints Handler has the meaning given in section 5.4.

Complaints Officer has the meaning given in section 5.4.

FA Statutes means:

(a) the Football Australia constitution, including any by-laws, as amended from time to time; and

(b) any other statutes, regulations or policies promulgated by Football Australia, as amended on notification by Football Australia from time to time including, without limitation:

(i) the National Registration, Status and Transfer Regulations;

(ii) the National Code of Conduct and Ethics;

(iii) the National Disciplinary Regulations;

(iv) the National Anti-Doping Policy;

(v) the Member Protection Framework; and

(vi) the Grievance Procedure.

FIFA means Federation Internationale de Football Association.

Football means “association football” as recognised by FIFA from time to time, which includes the games of football, soccer football, indoor or five a side (futsal) football and beach football.

Football Australia means Football Australia Limited, the governing body of Football (soccer) in Australia.

Football Entity means Football Australia, a State Body Member, district association, regional branch, Zone, Competition Administrator or Club, including a National League Club, as the case requires.

Grievance Procedure means the procedures dealing with grievances (as defined in the Grievance Procedure) published by Football Australia and notified to Members, as amended from time to time.

Member means any registered participant, which includes a Player, coach, volunteer, administrator, Official and referee. For the purpose of this Complaints Procedure, a Member includes any person who is unregistered, but ought to have been registered under the National Registration Regulations (such as a player who participated in a match).

Member Protection Framework means the national framework that addresses discrimination, harassment (sexual or otherwise) and child protection in Football as issued and varied by Football Australia from time to time.

Member Protection Information Officer or ***MPIO*** has the meaning given in section 5.3.

Member Protection matters means matters affecting the safety and wellbeing of Members, including matters relating to bullying, harassment, discrimination and abuse. For the avoidance of doubt, safeguarding matters for Children and Adults at Risk are dealt with under the standalone Safeguarding Policy.

National Anti-Doping Policy means the national anti-doping policy of Football Australia relating to anti-doping rule violations and related matters as issued and varied by Football Australia from time to time.

National Championships means any male and female national championships involving State Body Member teams, which is staged or sanctioned by Football Australia from time to time.

National Code of Conduct and Ethics means the code of conduct and ethics published by Football Australia and notified to Members, as amended from time to time.

National Disciplinary Regulations means the national disciplinary regulations as issued and varied by Football Australia from time to time.

National Leagues means the A-League, W-League and Y-League.

National Registration, Status and Transfer Regulations means the national regulations specifying the rules relating to the registration of Players, Officials, Clubs and Competitions with Football Australia, as issued and varied by Football Australia from time to time.

National Team means any national team squad selected or nominated by Football Australia, including the men's and women's senior, para, under age, Olympics, futsal and beach teams or any other national representative team determined by Football Australia from time to time.

Official means:

(a) a Club Official, match Official or team Official;

(b) an employee, officer or director of Football Australia or a State Body Member, a Zone or a Competition Administrator; or

(c) a member of a Football Australia standing committee or other council, committee, panel or body constituted by Football Australia, a State Body Member, a Zone or a Competition Administrator.

Player means any person who is registered with Football Australia as a player in accordance with the National Registration, Status and Transfer Regulations from time to time or is selected as a member of a Representative Team.

Procedural Fairness incorporates the following principles:

(a) both the Complainant and the Respondent must know sufficient details of what is being said against them and have a reasonable opportunity to respond before a decision is made;

(b) no person related to the complaint may participate in its adjudication; and

(c) the decision maker/s must be unbiased, fair and just.

Representative Team means a team representing Football Australia, a State, a region, or an institute that participates in a Competition.

Respondent means the person or body who is being complained about.

State Body Member means each legal entity recognised by the Football Australia directors under article 6.1(b) of the Football Australia constitution.

Zone means a district or regional association that is a member of a State Body Member from time to time.

12.2 Interpretation

To help guide in understanding this Complaints Procedure, the following rules of interpretation apply:

(a) capitalised words which are not defined above have the meaning given to them in the Football Australia Constitution;

(b) the singular includes the plural and conversely;

(c) any use of the word “includes” or similar words such as “for example” or “such as” are not words of limitation;

(d) headings are for convenience only;

(e) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings; and

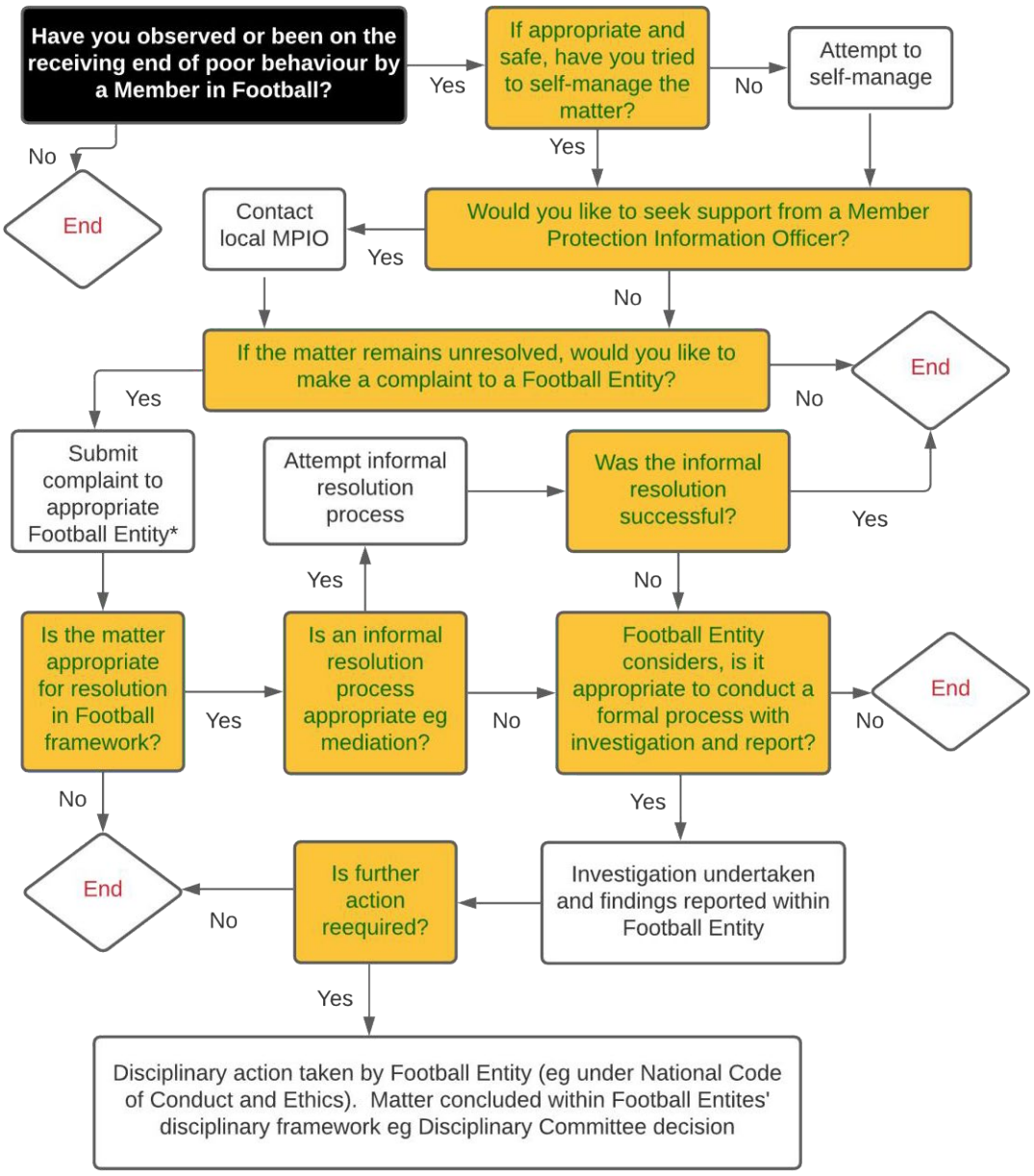
(f) except for a matter determined in accordance with the Grievance Procedure, Football Australia will interpret all terms of the Football Australia Statutes (including this Complaints Procedure) and any such interpretation will be final and binding on every person.

13. TRANSITIONAL MEASURES

Any formal disciplinary proceedings or tribunal proceedings that have commenced pursuant to the jurisdiction of the repealed member protection policy prior to 10 December 2020 will continue as if the member protection policy was still in place, to the extent necessary.

Any reference to Football Australia’s National Member Protection Policy in any Football Australia Statutes will be read as a reference to the Football Australia Member Protection Framework.

ANNEXURE A. COMPLAINTS PROCEDURE FLOWCHART



**only national matters and the most serious matters at state / territory level which affect the national interest of Football should be directed to Football Australia*

NOTE

Complainant may raise matter with an external agency at any time in the process if appropriate

ANNEXURE B. COMPLAINT FORM

COMPLAINT FORM – TO BE SUBMITTED BY COMPLAINANT TO FOOTBALL ENTITY

Complainant's Name	☐ Over 18 ☐ Under 18	Date: / /
Role/status of Complainant	☐ Administrator (volunteer) ☐ Player ☐ Coach/other Team Official ☐ Employee (paid) ☐ Official ☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other ……	
When did the incident take place?		
Where did the incident take place?		
What is the nature of the complaint? (category/basis/grounds) Tick more than one box if necessary	☐ Bullying ☐ Harassment ☐ Discrimination on the grounds of …… ☐ Abuse or intimidation ☐ Victimisation ☐ Other ……	
What are the facts relating to the incident, as stated by Complainant?		
Description of any additional evidence the complainant would like to provide (please attach)		

What does the Complainant want to happen to resolve the issue?	
What other information has the Complainant provided?	
What steps, if any, has the Complainant taken to resolve the issue?	
What is the Complainant going to do now?	

ANNEXURE C. SAMPLE RECORD OF COMPLAINT FORM

RECORD OF COMPLAINT – TO BE COMPLETED BY FOOTBALL ENTITY

Name of person receiving complaint		Date: / /
Complainant's Name	☐ Over 18 ☐ Under 18	
Complainant's contact details	Phone: Email:	
Complainant's role/status in Football	☐ Administrator (volunteer) ☐ Player ☐ Coach/other Team Official ☐ Employee (paid) ☐ Official	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other ……
Name of person complained about	☐ Over 18 ☐ Under 18	
Person complained about role/status in Football	☐ Administrator (volunteer) ☐ Player ☐ Coach/other Team Official ☐ Employee (paid) ☐ Official	☐ Parent ☐ Spectator ☐ Support Personnel ☐ Other ……
Date and time of alleged issue		
Location/ Match / Competition of alleged issue		

Description of alleged issue / incident	
Nature of complaint (category/basis/grounds) Can tick more than one box	□ Bullying □ Harassment □ Discrimination on the grounds of …… □ Abuse or intimidation □ Victimisation □ Other ……
What relief the Complainant was seeking	
Information provided to the Complainant	
Methods (if any) of attempted informal resolution	
Formal resolution procedures followed (outline)	
If investigated	Finding

If disciplinary action taken (eg under National Code of Conduct and Ethics)	Action:
If mediated:	Date of mediation: Both/all parties present Agreement Any other action taken
Resolved within Football?	□ Yes □ No
Resolution / conclusion time	□ Less than 3 months to resolve □ Between 3 – 9 months to resolve □ More than 9 months to resolve
Completed by (Complaints Handler)	Name: Position: Signature: / /