

# **SPRINGWOOD UNITED FOOTBALL CLUB INC.**

*"united in sport, uniting the community"*

## **COMPLAINTS, GREIVANCE, & DISCIPLINARY PROCEDURES**

**(INCLUDING THE MEMBER PROTECTION POLICY)**



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# COMPLAINT & GRIEVANCE PROCEUDRE

## RATIONALE

Springwood United Football Club supports the wellbeing of its committee members, administrators, coaches, managers, officials, volunteers, players, parents, guardians and spectators and is committed to providing a pleasant social environment.

We acknowledge, however, that things do not always go smoothly and that people can sometimes feel aggrieved about something that is happening within the club. On rare occasions a person may feel it necessary to complain.

Springwood United Football Club will always endeavour to act fairly and in the best interests of all parties involved and respond to a grievance or complaint as quickly and effectively as practically possible.

Springwood United Football Club has a duty to respond to all complaints and follow appropriate complaint handling procedures.

Section 18.1 of the “Bylaws of Springwood United Football Club Inc., under the heading “Grievances and Complaints” states that: *All Grievances and Complaints that are not resolved at team level should be brought to the attention of the Football Committee, or to the Secretary in writing or to the Member Protection Information Officer (MPIO).*

Springwood Football Club is affiliated to the Nepean Football Association Inc. and Football NSW.

For further information on a NSW Football’s complaints procedures please go to their webpage at: [Complaint Options & Handling](#)

### **What is a Grievance or complaint?**

A person who is involved with Springwood United Football Club may have a grievance about a decision, behaviour, act or omission (whether by committee or other) that they feel is unfair, inappropriate, discriminatory or unjustified. They can use the Complaint and Grievance Procedure to have the issue heard and addressed.

A person who is not a member of our Club also has the right to make a Complaint against a decision, behaviour, act or omission (whether by committee or other).

## Key principles of our Complaint & Grievance Procedure

The following are the key principles of our Grievance Resolution Procedure:

- **HONESTY & INTEGRITY.** It is important that at all times, any complaints are kept to the actual facts, with complete clarity and transparency. Hearsay conversations will not be accepted. It is also expected that complaints will be reported in a polite and courteous manner.
- **IMPARTIALITY.** If you make a complaint or report a grievance, it will be investigated in a fair and impartial manner. No judgments or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.
- **CONFIDENTIALITY.** You can feel secure that if you do make a complaint under this policy, it will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint, the person/s whom the complaint is regarding, the person(s) investigating the complaint and member/s of the Management Committee.
- **NO VICTIMISATION.** You can also rest assured that if you make a complaint, Springwood United Football Club will not tolerate victimization against you as a result of your complaint.
- **TIMELINES.** Each complaint will be finalized within as short a period as possible. All complaints, wherever possible, should be finalized within one month.

## COMPLAINT & GRIEVANCE RESOLUTION PROCEDURES

All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.

If you wish to remain anonymous, the Club may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that the MPIO is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

The following steps are presented as a guide for Club officials and members. Steps 1 to 4 are described as "**Informal**". Steps 5 to 8 are described as "**Formal**".

## **Informal Approaches**

### **Step 1 – Talk with the other person (where this is reasonable and appropriate).**

You may speak directly to the relevant individual(s) if you feel comfortable doing so. Sometimes speaking directly to the person(s) involved in a non-provoking manner, or writing to them respectfully, can put a stop to the behaviour which is the subject of the grievance. If a grievance is about their behaviour, you should indicate that you find the behaviour offensive, distressing, etc. and you would like it to stop. You may also advise the individual(s) that you intend to make a formal complaint if the behaviour continues.

### **Step 2 – Contact Team Coach or Manager**

Talking through the matter with a person who is familiar with Springwood United Football Club and matters to do with football can often help to explain and resolve the situation. Springwood United Football Club would expect this discussion to happen in the majority of instances prior to any complaint or grievance becoming formal.

### **Step 3 – Contact the Member Protection Information Officer (MPIO)**

Talk with the Springwood United Football Club's Member Protection Information Officer (MPIO) if:

- Steps 1 and 2 are not possible or reasonable,
- you are not sure how to handle the problem by yourself,
- you want to talk confidentially about the problem with someone and obtain more information about what you can do, or
- the problem continues after you have approached the person or people involved.

The MPIO will:

- take confidential notes about your complaint if appropriate,
- ask what outcome/how you want the problem resolved and if you need support,
- provide possible options for you to resolve the problem,
- act as a support person if you so wish,
- refer you to an appropriate person (e.g. Coach, Chairman) to help you resolve the problem if appropriate,
- discuss the matter with relevant members of the Committee,
- maintain appropriate confidentiality,
- not take further action without obtaining your agreement unless required to do so under Child Protection regulations or NSW law.

#### **Step 4 – Outcome from Initial Contact**

After talking with the MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such as a MPIO);
- to seek a mediated resolution with the help of a third person (such as a mediator); or
- to seek a formal approach.

#### **Formal Approaches**

##### **Step 5 – Making a Formal Complaint**

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to the MPIO, or the Club Chairman; or
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the MPIO, and/or the Club Chairman will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure;
- to appoint a person or persons to investigate (gather more information on) the complaint;
- to refer the complaint to mediation;
- to refer the complaint to the Management Committee;
- 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 set out in these Procedures is completed.

In making the decision(s) outlined above, the MPIO, or the Club Chairman will take into account:

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (for example 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 will be subject to further unacceptable behaviour while the complaint process is underway.

If the MPIO, or the Club Chairman, is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- put the information they've received from you to the person/people you're complaining about and ask them to provide their side of the story;
- decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with this policy and Section 14, Member's Responsibilities, of the Springwood United Football Club's Constitution.

### **Step 6 – Investigation of the complaint**

- A person or persons appointed under Step 5 will conduct an investigation and provide a written report to the committee who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with the procedures outlined below under the heading "Mediation" or as otherwise agreed by the complainant, the respondent and the mediation provider;
- If the complaint is referred to the Police or other appropriate authority, Springwood United Football Club will use its best endeavours to provide all reasonable assistance required by the police or other authority.

*(Any costs relating to the complaint process set out in this Policy e.g. investigation and/or mediation are to be met by Springwood United Football unless the Management Committee deems that the Complaint or Grievance is trivial or vexatious. This excludes legal representation engaged by a complainant or the respondent or any person who is named in the complaint)*

### **Step 7 – Reconsideration of initial outcome / investigation or appeal**

If, under the formal complaint process, mediation is unsuccessful, the complainant may request that the MPIO or the Club Chairman reconsider the complaint in accordance with **Step 4 and Step 5**.

The Complainant or the respondent(s) may be entitled to appeal. The process for appeals under this Policy are set out in Sections 16 and 22 of the Springwood United Football Club's Constitution.

Any Appeal would be confined to matters of appropriate processes being followed.

### **Step 8 – Documenting the resolution**

The Springwood United Football Club Management Committee will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place.

### **External Approaches**

There are a range of other options available depending on the nature of the complaint. If you feel that you have been harassed or discriminated against, the complainant can seek advice from the NSW State Anti-Discrimination Commission without being obliged to make a formal complaint. If the Commission advises the complainant that the problem appears to be harassment within its jurisdiction, the complainant may lodge a formal complaint with the Commission.

Once a complaint is received by an Anti-Discrimination Commission, it will investigate. If it appears that unlawful harassment or discrimination has occurred, the Commission will conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

If the complainant lodges a complaint under anti-discrimination law, the complainant may use an appropriate person (e.g. an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

The complainant could also approach another external agency such as the Police.

## **Mediation**

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. This attachment outlines the general procedure of mediation that will be followed by Springwood United Football Club.

- If mediation is chosen, the MPIO, or the Club Chairman will, under the direction of the Springwood United Football Club Management Committee and in consultation with the complainant and the respondent(s), arrange for a mediator.
- The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. 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.
- The mediation 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 the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.

If the complaint is not resolved by mediation, the complainant may:

- Write to the Club Chairman to request that the MPIO or Club Chairman reconsider the complaint in accordance with **Step 4 and Step 5**; or
- Approach an external agency such as an anti-discrimination commission.

Mediation will not be recommended if:

- The respondent has a completely different version of the events and will not deviate from these;
- The complainant or respondent are unwilling to attempt mediation;
- 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
- The matter involves proven serious allegations, regardless of the wishes of the Complainant.

## **Investigation**

If an investigation needs to be conducted to gather more information the following steps will be followed:

1. The Chairman (or delegate) will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities.

The investigator will:

- Interview the complainant and record the interview in writing;
- Convey full details of the complaint to the respondent (s) so that they can respond;
- Interview the respondent to allow them to answer the complaint, and record the interview in writing;
- Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts;
- 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); and/or
  - mischievous, vexatious or knowingly untrue.
- Provide a report to the MPIO documenting the complaint, investigation process, evidence, finding, and if requested, recommendations.

2. The Chairman (or delegate) will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and / or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).
4. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. The process for appeals under this Policy are set out in Sections 16 and 22 of the Springwood United Football Club's Constitution.
5. Any Appeal would be confined to matters of appropriate processes being followed.

## **Procedures for Handling Allegations of Child Abuse**

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working for Springwood United Football Club in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities.

Although club officials and others who work and volunteer in sport are not mandatory reporters, in the event that a child discloses an incident of child abuse or an incident that made them feel unsafe or where a child's safety or welfare may be at risk, it is important that concerns relating to the safety and welfare of a child is passed onto Football NSW and/or the appropriate authorities.

Refer to the information provided in relation to [Mandatory Reporting](#) and the [Quick Reference Guide for child protection issues in sport](#). Reports of child abuse or neglect can also be reported to the NSW Family & Community Services Child Protection Hotline on phone 132 111 (24hr helpline). Visit the [Family & Community Services website](#) for further information.

The following steps are published as a guide only and are not meant to replace any action by the Club or its officials as required under Mandatory Reporting guidelines. The Club and its officials in all instances will follow the advice of the NSW Police and Family and Community Services.

### **Step 1 – Initial Receipt of an Allegation**

If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:

- Stay calm;
- Listen, be supportive and do not dispute what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening;
- Ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion;
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- Do not contact the alleged offender.

### **Step 2 – Report allegations**

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is any doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, and with the consent of the Police and Family and Community Services, then also report the allegation to the Chairman of Springwood United Football Club so that he or she can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

### **Step 3 – Protect the child and manage the situation**

- In consultation with the Police and Family and Community Services, the Club's Chairman will assess the risks and take interim action to ensure the child's/children's safety. Action the Springwood Football Club may implement includes redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The Club Chairman will consider the kind of support that the child/children and parents may need (e.g. counselling, helplines, support groups).
- The Club Chairman will address the support needs of the alleged offender.
- The Club Chairman will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

### **Step 4 – Internal action**

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
  - Criminal (conducted by police)
  - Child protection (conducted by child protection authority)
  - Disciplinary or misconduct (conducted by Springwood United Football Club)
- Irrespective of the findings of the child protection and/or police inquiries, the Springwood United Football Club will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be the Management Committee of Springwood United Football Club and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is taken, Springwood Football Club will advise and provide a report to the relevant government authority should this be required (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

## **DISCIPLINARY POLICY STATEMENT**

Springwood United Football Club expects its; committee members, administrators, coaches, managers, officials, volunteers, players, parents and spectators to behave professionally and uphold the Club's Constitution, Bylaws, Codes of Behaviour, Policies and Business Plan.

At Springwood United Football Club we take any breaches of our Code of Behaviour, cases of alleged misconduct, poor attendance or under performance seriously and corrective action will be implemented where these behaviours are evident.

Discipline will depend upon the nature and severity of the problem. Any of the disciplinary actions below may be taken, with or without regard to prior problems or prior disciplinary action, at the discretion of the Chairman.

Section 14, Members Responsibilities, of the Springwood United Football Clubs Constitution states that:

14.1 All members of the Club are to abide by the SUFC Constitution, SUFC Bylaws, SUFC Policies, and SUFC and BMCC and NRG and any Parent Sporting Body Codes of Behaviour and Conduct, Rules, Regulations and Policies.

14.2 Any breach of Clause 14.1 can result in action or sanctions against the member. This action may result in a player's registration being cancelled or a member being expelled from the Club.

The following is a guide of actions that Springwood United Football Club may follow if dealing with serious disciplinary matters.

### **Warning**

An oral or written warning may be given in cases where a problem occurs meriting corrective action. This is considered an unofficial warning and will not be kept on file for permanent record.

### **Written Reprimand**

A written reprimand is a formal statement which becomes part of a person's permanent file. Examples of problems which may result in a written reprimand include but are not limited to disruptions, failure to follow proper procedure or Springwood United Football Club practice, excessive breaches of a Code of Behaviour or where problems could lead to suspension or dismissal if repeated.

### **Suspension**

Suspension may be imposed when a person has failed to act or perform to acceptable standards following a warning or other disciplinary action, or for other serious infractions as determined by the Management Committee. Suspension may also be imposed when there is a need to remove the person from Springwood United Football Club while an investigation is conducted or to protect the health, safety, or welfare of others.

### **Dismissal**

Dismissal may be imposed when the problem is so serious (gross misconduct) that no other course of action is appropriate. Dismissal also may be imposed after all other courses of action have been attempted, or there is no expectation of future improvement.

The following examples illustrate situations which could result in immediate suspension or termination of involvement with Springwood United Football Club; however, there are other circumstances not listed here which may result in immediate suspension and/or termination from the club.

- Possessing unlawful drugs or being under the influence of intoxicants or unlawful drugs while representing the Club or acting in a position of authority or trust,
- Theft, wrongful conversion or unauthorized use of funds or property of the Springwood United Football Club, its members, suppliers, sponsors or governing bodies,
- Falsification of documents or records,

- Insubordination, including refusal to carry out instructions or tasks,
- Disruptive or harassing conduct such as the use of or threat of violence, physical abuse, or unlawful discrimination,
- Any conduct reasonably understood to be detrimental to the Springwood United Football Club's interests,
- Destruction, alteration, abuse, or waste of Springwood United Football Club's or other's property,
- Intentionally or repeatedly creating unsafe environments, incidents or practices,
- Possession of weapons or explosives, or violation of criminal laws on Springwood Football Club's premises,
- Violence or the threat of violence, including, without limitation, scuffling or throwing objects,
- Offering, accepting or seeking personal favours, money or other valuable consideration in exchange for a job, or any advantage within the Club,
- Off-pitch misconduct that causes harm to Springwood United Football Club,
- Any grossly negligent or willful acts which result in personal injury, property damage, or loss to the Springwood United Football Club.

## **Definitions**

For the purposes of this policy, the following definitions apply:

**Misconduct** is the wrongful, improper or unlawful behavior by a person.

**Gross misconduct** is defined as any action which involves dishonesty or imminent and serious harm, or real possibility of harm, to other members of the Club or persons that have interaction with the Club and its members. Gross misconduct may lead to instant dismissal due to the serious consequences and criminal offence.

**Poor performance** is a situation where a person is not meeting the reasonable expectations

**Poor attendance** is unauthorised absences from Springwood United Football Club, constant late attendances or early exits without prior notification.

## **MEMBER PROTECTION POLICY**

The main objective of Springwood Football Club's Member Protection Policy is to maintain responsible behaviour and ethical and informed decision-making by participants in this club. This policy outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from abuse and harm. Our policy informs everyone involved in our club of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in our club's activities.

The Member Protection Policy applies to everyone involved in the club including committee members, administrators, coaches, managers, officials, volunteers, players, parents, guardians, and spectators.

## **ANTI-HARASSMENT, DISCRIMINATION AND BULLYING**

Our club opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone, computers and social media. Some forms of harassment, discrimination and bullying are against the law and are based on particular characteristics such as age, disability, gender, sexual orientation, pregnancy, political or religious beliefs, race, and marital status.

Our club takes all claims of harassment, discrimination, bullying and cyber bullying seriously. We encourage anyone who believes they have been harassed, discriminated against or bullied to raise the issue with the club.

## **INCLUSIVE PRACTICES**

Our club is welcoming and we will seek to include members from all areas of our community.

**People with a Disability:** Where possible we will include people with a disability in our teams and club. We will make reasonable adaptations (e.g. modifications to equipment and rules) to enable participation.

**People from Diverse Cultures:** We will support and respect people from diverse cultures, ethnicity and religions to participate in our club and where possible will accommodate requests for flexibility (e.g. modifications to uniforms).

**Sexual & Gender Identity:** All people, regardless of their sexuality, are welcome at our club. We strive to provide a safe environment for participation and will take action over any homophobic behaviour

**Pregnancy:** Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport. We recommend pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation.

## **MPIO - MEMBER PROTECTION INFORMATION OFFICER**

In New South Wales the Office of Sport & Recreation recommends that every sporting club has a Member Protection Information Officer.

They define this role as:

*A Member Protection Information Officer (MPIO) provides information about the rights, responsibilities and options available to an individual making a complaint in sport. They can also inform and advise sport administrators and complaint handlers in Member Protection Policy for specific sports. MPIOs are impartial and don't mediate or investigate complaints. They may reside in a club, state association or national sports organisation and can also freelance.*

At Springwood United Football Club (SUFC) the Member Protection Information Officer (MPIO) can be the first point of contact in the club for any enquiries, concerns or complaints around harassment, abuse and other inappropriate behaviour.

The MPIO provides information and moral support to the person with the concern.

The Springwood United Football Club has an objective that the MPIO is **not to be** a member of any of the committees at SUFC. This cannot always be guaranteed. If the MPIO is a member of any of the Clubs committees this will be advised to complainants and respondents when initial contact is made upon receiving a complaint and both the complainant and respondent shall be provided the right to have an MPIO from outside of the Club to be brought in to handle the complaint.

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