



## **COMPLAINTS PROCEDURE Football Northern Territory (FNT)**

Complaints Handling Procedure for both FNT and all member NT Community Football Clubs

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 FNT or your Club may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that the FNT or your Club 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.

### **INFORMAL APPROACHES**

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

In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

#### **Step 2: Contact a Member Protection Information Officer**

Talk with your Club's Member Protection Information Officer or FNT's Member Protection Information Officer if:

- the first step is not possible/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 tried to approach the person or people involved.
- If you are not sure who your Member Protection Information Officer is within your Club then either email [admin@footballnt.com.au](mailto:admin@footballnt.com.au) or [mpio@footballaustralia.com.au](mailto:mpio@footballaustralia.com.au).

The Member Protection Information Officer will:

- take confidential notes about your complaint; (see Attachment 1 *Record of Informal Complaint* at end of this document)
- try to find out the facts of the problem;
- 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. Mediator) to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so;
- maintain confidentiality.

### **Step 3: Outcomes from initial contact**

After talking with the Member Protection Information Officer, 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 Member Protection Information Officer);
- 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 4: 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 Chief Executive Officer of FNT at [ceo@footballnt.com.au](mailto:ceo@footballnt.com.au) or to the FNT Member Protection Information Officer at [admin@footballnt.com.au](mailto:admin@footballnt.com.au) or to the President of your Club or
- approach a relevant external agency such as an anti-discrimination commission, for advice.
- The form for making a formal complaint can be found at the end of this document (*attachment 2: Record of Formal Complaint*)

On receiving a formal complaint and based on the material you have provided, the FNT CEO or Club President 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 to **investigate** (gather more information on) the complaint;
- to refer the complaint to mediation;
- to refer the complaint to a hearings tribunal;
- 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 CEO of FNT or your Club President will consider:

- 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 CEO of FNT or your Club President is the appropriate person to handle the complaint they will, to the extent that these steps are appropriate and/or 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.
- In the event that the matter is to be dealt with by FNT and further investigation is required, the CEO of FNT will appoint an appropriate person, whether a FNT employee or otherwise, (Investigator) to investigate the complaint.
- In the event that the matter is to be dealt with by your Club and further investigation is required, the President of your Club will appoint an appropriate person, whether a Committee member or otherwise, (Investigator) to investigate the complaint.

### **Step 5: Investigation of the complaint**

- A person appointed under Step 3 will conduct an investigation according to the formal investigation process (see Attachment 4 *Investigation Process* at the end of this document) and provide a written report to FNT CEO or your Club President who will determine what further action to take;
- If the complaint is referred to mediation, it will be conducted in accordance with the formal mediation process (see Attachment 3 *Mediation* at end of this document or as otherwise agreed by you and the respondent and the mediation provider;
- If the complaint is referred to a hearings tribunal, the hearing will be conducted in accordance with the Football Federation Australia Grievance Resolution Regulations (which can be found on the FFNT website under the tab *Resources*;
- If the complaint is referred to the police or other appropriate authority, both your Club and FNT will use their best endeavours to provide all reasonable assistance required by the police or other authority.

Note: Any costs relating to the complaint process set out in this Policy (e.g. investigation and/or mediation and/or hearings tribunal) are to be met by your Club and FNT unless otherwise stated in the relevant Attachment.]

## **Step 6: Documenting the resolution**

FNT CEO or your Club President will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at the FNT level, the information will be stored in the FNT office Cloud. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at Football Federation Australia with a copy stored on the FNT Cloud.

## **EXTERNAL APPROACHES**

There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you 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 you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. a Member Protection Information Officer) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

You could also approach another external agency such as the police.

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

If, under the formal complaint process, mediation is unsuccessful, you may request that the FNT CEO or your Club President reconsider the complaint in accordance with **Step 3**.

You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in the Attachment 5 *APPEALS TRIBUNAL PROCEDURE* which can be found at the end of this document.

Attachment 1: **RECORD OF INFORMAL COMPLAINT**

Name of person receiving complaint		Date: / /
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> Other .....	
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Victimization <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other..... <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Coaching methods <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Pregnancy <input type="checkbox"/> Unfair decision	
What they want to happen to fix issue		
What information provided		
What they are going to do now		

Attachment 2: **RECORD OF FORMAL COMPLAINT**

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official .....	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other .....	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Official
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Coaching methods <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Pregnancy <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	<input type="checkbox"/> Discrimination <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse

Methods (if any) of attempted informal resolution	
Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal:  Decision –  Action recommended-	
If mediated: Date of mediation – Were both parties present  Terms of Agreement –  Any other action taken	
If went to appeals tribunal:  Decision-  Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve  <input type="checkbox"/> Between 3 – 8 months to resolve  <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature:
Signed by:	Complainant:  Respondent:

### Attachment 3: **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.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreed outcome.

This attachment outlines the general procedure of mediation that will be followed by the relevant Governing Body.

1. If mediation is chosen, the MPIO or relevant State Member Protection Officer will, in consultation with the Complainant and the Respondent(s), arrange for a mediator.
2. 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.
3. 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.
4. 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.
5. If the complaint is not resolved by mediation, the Complainant may:
  - a) Write to the MPIO or relevant State Member Protection Officer to make a formal complaint in accordance with Step 4; or
  - b) Approach any relevant external agency such as an anti-discrimination commission, to resolve the matter.
6. Mediation will not be recommended if:
  - a) The persons involved have a completely different version of the events and will not deviate from these;
  - b) The Complainant or Respondent are unwilling to attempt mediation;
  - c) 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
  - d) The matter involves proven serious allegations, regardless of the wishes of the Complainant.



#### Attachment 4: **INVESTIGATION PROCESS**

If an investigation needs to be conducted to gather more information by a person other than the FNT CEO or the Club President, this person will undertake the investigation and the following steps will be followed:

1. The relevant Governing Body will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The Investigator will:

- a) Interview the Complainant and record the interview in writing.
- b) Convey full details of the complaint to the Respondent(s) so that they can respond.
- c) Interview the Respondent to allow them to answer the complaint, and record the interview in writing.

d) Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts

e) deliver a report to the relevant Governing Body as to whether in their view 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; and
- if requested, recommend whether the matter should be referred to a Tribunal for determination as to whether there has been a breach of this Policy and any appropriate sanctions.

2. We will provide a report to the Complainant and the Respondent(s) documenting the complaint, the investigation process and summarising key points concerning the investigation.

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).

## Attachment 5: **APPEALS TRIBUNAL PROCEDURE**

The following will be followed by appeals tribunals established by FFA and/or FNT

### **Preparation for Tribunal Hearing**

1. A Tribunal Panel will be constituted following the rules outlined in FNT's Constitution, to hear an appeal that has been referred to it by the President of FNT. The number of Tribunal members required to be present throughout the hearing will be three (3).
2. The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent relating to the complaint/allegations.
3. The Tribunal will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare their case for the appeal hearing.
4. The Tribunal will not include any person who has any actual or perceived conflict of interest, or bias regarding the matter.
5. The President of FNT will inform the respondent(s) in writing that a tribunal hearing will take place. The notice will outline:
  - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
  - Details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached;
  - The date, time and venue of the tribunal hearing;
  - That they can make either verbal or written submissions to the Tribunal;
  - That they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal);
  - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
  - That legal representation will not be allowed. *[If the respondent is a minor, they should have a parent or guardian present.]*

The respondent(s) will not be permitted to participate in any FNT activities and events, during the available appeal process.

6. The President of FNT will notify the complainant in writing that a tribunal hearing will take place. The notice will outline:
  - That the person has a right to appear at the tribunal hearing to support their complaint;
  - Details of the complaint, including any relevant rules or regulations the respondent is accused of breaching
  - The date, time and venue of the tribunal hearing;
  - That they can make either verbal or written submissions to the Tribunal;
  - That they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend); and
  - That legal representation will not be allowed. ***[If complainant is a minor, they should have a parent or guardian present.]***

A copy of any information / documents that have been given to the Tribunal (e.g. investigation report findings) will also be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the President of FNT as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.
8. It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules (e.g. Discrimination).
  - the truth of the issue/case before it.

## **Appeals Procedure**

A complainant or a respondent(s) who is not satisfied with the decision of your Club President or FNT CEO or the outcome of mediation can lodge one appeal to FNT on one or more of the following bases:

That a denial of natural justice has occurred; or

That the disciplinary measure(s) imposed is unjust and/or unreasonable.

That the decision was not supported by the information/evidence provided to the Club President or FNT CEO or Mediator;

A person wanting to appeal must lodge a letter setting out the basis for their appeal with the CEO of FNT within 7 days of the relevant decision. *[An appeal fee of \$300.00 shall be included with the letter of intention to appeal.]*

If the letter of appeal is not received by the CEO of FNT within the time period, the right of appeal lapses. *[If the letter of appeal is received but the appeal fee of \$300.00 is not received by the relevant time, the appeal lapses].*

The letter of appeal and copy of original decision report will be forwarded to the President of FFNT to review and decide whether there are sufficient grounds for the appeal to proceed. The President of FNT may invite any witnesses to the meeting it believes are required to make an informed decision.

If the appellant has not shown sufficient grounds for appeal in accordance with this Policy, then the appeal will be rejected. The appellant will be notified with reasons. *[The appeal fee will be forfeited.]*

If the appeal is accepted an Appeal Tribunal will be convened to rehear the complaint, *[and the appeal fee will be refunded].*

The Tribunal Procedure shall be followed for the appeal. (see below)

The decision of an Appeal Tribunal will be final.

## **Tribunal Hearing Procedure**

1. The following people will be allowed to attend the Tribunal Hearing:
  - The Tribunal members;
  - The respondent(s);
  - The complainant;
  - Any witnesses called by the respondent;

- Any witnesses called by the complainant;
  - Any parent / guardian or support person required to support the respondent or the complainant.
2. If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
  3. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.
  4. The Tribunal Chairperson will inform the President of FNT of the need to reschedule, and the President of FNT will organise for the Tribunal to be reconvened.
  5. The Tribunal Chairperson will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.
  6. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining the appeal.
  7. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
    - Reference may be made to brief notes.
    - The complainant may call witnesses.
    - The respondent(s) may question the complainant and witnesses.
  8. The respondent(s) will then be asked to respond to the complaint.
    - Reference may be made to brief notes.
    - The respondent may call witnesses.
    - The complainant may ask questions of the respondent and witnesses.
  9. Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until required.
  10. The Tribunal may:
    - consider any evidence, and in any form, that it deems relevant.
    - question any person giving evidence.
    - limit the number of witnesses presented to those who provide any new evidence.
    - Require the attendance of any witness it deems relevant;
    - Act in an inquisitorial manner in order to establish the truth of the issue/case before it.
  11. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
  12. If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone the Chairperson may stop further involvement of the person in the hearing.
  13. After all of the evidence has been presented the Tribunal will make its decision in private. The Tribunal must decide whether the appeal has been substantiated on the balance of probabilities (i.e. more probable than not). As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the appeal has been substantiated.
  14. All Tribunal decisions will be by majority vote.

15. The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form.
16. Within 48 hours, the Tribunal Chairperson will:
  - Forward to the President of FNT a copy of the Tribunal decision.
  - Forward a letter to the respondent(s) reconfirming the Tribunal decision.
17. The Tribunal does not need to provide written reasons for its decision and the decision is final.