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ANUFC Dispute Resolution Policy

All complaints will be kept confidential where possible 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.

Depending on the nature of 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, ANUFC may have difficulty assisting you to resolve your complaint. Procedural Fairness means that ANUFC is required to provide the person/people you have complained about with full details of the complaint, so they have an opportunity to be heard and/ or to respond.

INFORMAL COMPLAINTS

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

In the first instance, you (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 the MPIO or relevant State MPIO if:

- The first step is not appropriate;
- 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 concern continues after you tried to approach the person or people involved.

The contact information for the State Member Protection Information Officers can be found on the websites of the relevant Member Federations. The MPIO can be contacted by emailing mpio@footbballaustralia.com.au.

The MPIO or relevant State Member Protection Information Officer will:

Take confidential notes about your complaint;

- Try to find out the facts of the problem;
- Ask what outcome/how you want your concern to be resolved and if you need support;
- Seek to provide possible options for you to address your concern;
- Explain how the Complaints Procedure works;
- Act as a support person if you so wish;
- Refer the complainant back to attempt to resolve the complaint directly with the other person involved, if necessary;
- Keep a written record in the Record of Informal Complaint;
- Refer you to an appropriate person (e.g. mediator) to help you address your concern, if appropriate;
- Inform the relevant government authorities and/or police if required by law to do so;
- Where possible and appropriate, maintain confidentiality.

Step 3: Outcomes from initial contact

After talking with the MPIO or relevant State 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 the MPIO or relevant State Member Protection Information Officer);
- To seek a mediated resolution with the help of a third person (such as a mediator); or
- To make a formal complaint to the MPIO on a completed and signed Record of Formal Complaint.

FORMAL COMPLAINTS

Step 4: Making a Formal complaint

If your informal complaint is not resolved or informal approaches have not resolved the complaint to the complainant's satisfaction or are not appropriate or possible, you may:

- Make a formal complaint in writing to the MPIO or relevant State Member Protection Information Officer; or
- Approach a relevant external agency such as an anti-discrimination commission, for advice and assistance.

On receiving a formal complaint and based on the material you have provided, the MPIO or relevant State Member Protection Information Officer 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 refer the complaint to mediation;
- To appoint a person to investigate (gather more information on) the complaint;
- 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 dealing with your formal complaint, the MPIO or relevant State Member Protection Information Officer will take into account:

- Whether they have had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
- Your wishes, and the wishes of the respondent, regarding 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 relevant State Member Protection Information Officer is the appropriate person to handle the complaint they will, where appropriate and/or necessary:

- Put the information they've received from you to the person/people you're complaining about and ask them for a response;
- Decide if they have enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- Determine what, if any, further action to take. This action may include referring the matter to a Tribunal from which disciplinary action may result in accordance with this Policy.

In the event that the matter is to be dealt with by FFA and further investigation is required, FFA will appoint its general counsel, other senior manager or, if it considers it appropriate in the circumstances, an independent expert (Investigator) to investigate the complaint.

In the event that the matter is to be dealt with by the Member Federation and further investigation is required, the CEO of that Member Federation will appoint an appropriate person, whether a Member Federation employee or otherwise, (Investigator) to investigate the complaint.

Step 5: Investigation of the complaint

On completion of his or her investigation, the Investigator appointed under Step 4 above must provide written report to the MPIO or relevant State Member Protection Information Officer for a determination by the ANUFC, the relevant Member Federation or the FFA as to what further action should be taken.

If the complaint is referred to:

- a) mediation, it will be conducted in accordance with the section below or as otherwise agreed by you and the respondent and the mediation provider;
- b) a hearings Tribunal, the hearing will be conducted in accordance with the Grievance Resolution Regulations; or

- c) the police or other appropriate authority, ANUFC will use its best endeavours to provide all reasonable assistance required by the police or other authority.

It must be made clear to all parties that the Investigator is not seeking to resolve the matter, or to decide whether any breach of this Policy has occurred, or to impose any penalty. Any decision about Policy breach must be referred to an independent Tribunal, and wherever possible, mediations should be conducted by an independent mediator.

Step 6: Documenting the resolution

The MPIO or relevant State Member Protection Information Officer 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 a Member Federation level, the information will be stored in the state association office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the FFA level, the documents will be stored at the FFA office with a copy stored at the relevant Member Federation office.

EXTERNAL APPROACHES or COMPLAINTS

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 antidiscrimination 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 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.

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 ANUFC.

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.

INVESTIGATION PROCESS

If an investigation needs to be conducted to gather more information, an unbiased person will undertake the investigation and the following steps will be followed:

1. ANUFC 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 ANUFC of relevant governing body 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 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)

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"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
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"/> 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"/> Other <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"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other	

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:

This record and any notes must be kept in a confidential and secure place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the club/state/district level (whatever level the complaint was made).