



**Australian Government**

**Australian Sports Commission**

# **Complaints Handling Policy**

Effective from May 2021

**This policy relates to the handling of external complaints by the Australian Sports Commission**



## Document details

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## Document change control

Version	Date	Owner	Approved by	Brief description of change	File reference
1.0	July 2017	Governance Section, Corporate Operations	General Manager, Corporate Operations	Original policy	
2.0	June 2020	Governance & Business operations	General Manager, Corporate	Updated template design and branding.	
3.0	May 2021	Governance & Business operations	General Manager, Corporate	Major review to align with legislation updates, the Commonwealth Ombudsman's Better Practice Guide to Complaint Handling, the ASC Child Safe Policy and ASC Anti-Doping Policy, and the creation of Sport Integrity Australia.	

## Related documents

[ASC Anti-Doping Policy](#)

[ASC Child Safe Policy](#)

[ASC Code of Conduct](#)

[ASC Information & Records Management Policy](#)

[ASC Privacy Policy](#)

[ASC Complaints Handling Procedure](#)

[ASC Responding to Sexual Misconduct Policy](#)



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# 1. Policy overview

## 1.1 Purpose

- 1.1.1 The Australian Sports Commission (ASC) is committed to treating complaints seriously and aims to address all complaints quickly and appropriately and learn from them to improve the way we do business.
- 1.1.2 The ASC is committed to protecting the rights of the complainant and treating all parties with respect
- 1.1.3 This policy:
  - sets out the principles of the ASC's complaint management system
  - seeks to ensure that all complaints are handled fairly, efficiently and courteously.

## 1.2 Scope

- 1.2.1 This policy applies to complaints received from the public or person's under the ASC's care, about the ASC, Sport Australia or the AIS, regarding the way we do business, our employees or our facilities, services, programs and products.
- 1.2.2 This policy applies to complaints related to current and historical matters.
- 1.2.3 A complaint is any expression of dissatisfaction made to the ASC about the way we do business, our employees or our facilities, services, programs and products, where a response or resolution is sought, expected or legally required.
- 1.2.4 Any individual or organisation may make a complaint about the ASC.
- 1.2.5 This policy does not apply to complaints related to sports or sporting organisations, the operation of sport organisations, clubs or associations ("sporting complaints"). These are handled by Sport Integrity Australia (<https://www.sportintegrity.gov.au/>)
- 1.2.6 This policy does not cover complaints related to employee grievances, code of conduct complaints, internal allegations of fraud or public interest disclosures. Complaints or issues regarding these matters are covered by separate ASC policies and procedures.

# 2. Complaint lodgement

## 2.1 Informal complaints

- 2.1.1 For complaints related to our facilities, services, programs or products, the ASC encourages members of the public to consider making an informal complaint in person to the employee they are dealing with when they first become dissatisfied. The ASC aims to resolve all informal complaints immediately or refer the customer to an ASC employee who can assist.
- 2.1.2 If a complainant is not comfortable in speaking directly to an ASC employee or the ASC is unable to resolve their complaint informally, a formal complaint should be lodged.
- 2.1.3 A formal complaint may be lodged in person where an informal complaint cannot be resolved, by requesting assistance from an ASC employee.

## 2.2 Formal complaints

- 2.2.1 All formal complaints must be lodged in writing to the ASC:
  - by letter
  - by email, or
  - using the ASC online complaints form.



- 2.2.2 If a complainant is unable to lodge their complaint in writing, a request can be made in person or via telephone for assistance in lodging a complaint. An ASC employee shall provide assistance to lodge a formal complaint on behalf of a complainant if requested to do so by the complainant.
- 2.2.3 Anonymous complaints are accepted where enough information is provided to conduct an assessment of the issues. Where an anonymous complaint is made, no final determination will be provided to the complainant.
- 2.2.4 The ASC will be flexible when dealing with complaints from vulnerable complainants (such as a child, young person, a person with a disability or those from a culturally or linguistically diverse background). In these instances, the ASC may provide communication support for the complainant or make reasonable adjustments to the complaints process to ensure that any barriers to full participation are removed.

## 2.3 Complaint handling principles

- 2.3.1 The ASC complaint handling system is underpinned by the following principles:
- **Fairness** – All complainants are treated fairly. Fairness rests on three qualities – impartiality, confidentiality and transparency
  - **Accessibility** – People are encouraged to raise concerns, and the ASC provides a range of contact options and clear communication about how to access the complaint handling system.
  - **Responsiveness** – The ASC complaint handling system is responsive to the needs of complainants, including providing additional support and flexibility when dealing with complaints from vulnerable persons.
  - **Efficiency** – The ASC aims to address complaints in a way that is proportionate and appropriate to the matter being complained about.
  - **Integrated** – Complaint handling is integrated with the ASC business activities, and information from complaints can be used to identify weaknesses and opportunities for improvement in ASC services.

## 2.4 Child safety

- 2.4.1 The ASC has a zero-tolerance policy to child abuse and neglect in any form and is committed to safeguarding and promoting the welfare of children by providing a safe and inclusive environment and by ensuring that relevant persons are educated and informed on their responsibilities to protect and look after children.
- 2.4.2 The ASC requires all employees and users of ASC or AIS facilities to comply with the *ASC Child Safe Policy* including to respond to allegations of prohibited and reportable conduct. The ASC will handle all complaints related to any allegation, disclosure or concern regarding child abuse or neglect towards children in accordance with the *ASC Child Safe Policy*.
- 2.4.3 Complaints may be child-initiated or adult-initiated and the ASC encourages people to raise concerns to address the needs and safety of children.
- 2.4.4 The ASC will meet any legislated mandatory or other jurisdictional or industry reporting requirements.

## 2.5 Sexual misconduct

- 2.5.1 The ASC has zero tolerance for sexual misconduct and for any behaviour that puts the wellbeing of people in the Australian sporting community at risk.
- 2.5.2 The ASC works with specialist service providers to support anyone impacted by sexual misconduct while under the ASC's care. This support is available to any person who has experienced, or is at risk of, any form of sexual misconduct, whether it is a recent event or something which happened in the past.
- 2.5.3 Anyone affected by sexual misconduct may contact the ASC Sexual Misconduct Helpline on 1800 ASC HELP (1800 272 4357) or [aschelp@crcc.org.au](mailto:aschelp@crcc.org.au).
- 2.5.4 The ASC requires all employees and users of ASC or AIS facilities to comply with the *ASC Responding to Sexual Misconduct Policy* including to respond to allegations of prohibited and reportable conduct.
- 2.5.5 The ASC will handle all complaints related to any allegation, disclosure or concern regarding sexual misconduct in accordance with the *ASC Responding to Sexual Misconduct Policy*.



2.5.6 The ASC will meet any legislated mandatory or other jurisdictional requirements.

## 2.6 Historical allegations

2.6.1 The ASC has zero tolerance for abuse or neglect and for any behaviour that puts the wellbeing of people in the Australian sporting community at risk.

2.6.2 The ASC works with specialist service providers to support anyone impacted by historical abuse or neglect while under the ASC's care. This support is available to any person who has been negatively impacted by their experiences, whether it is a recent event or something which happened in the past.

2.6.3 Anyone affected by historical abuse or neglect may contact the AIS Be Heard Helpline on 1800 565 965 or [aisbeheard@coreintegrity.com.au](mailto:aisbeheard@coreintegrity.com.au)

2.6.4 The ASC will handle all complaints related to any allegation, disclosure or concern regarding historical abuse or neglect in accordance with the *ASC Responding to Historical Cultural Matters Policy*.

2.6.5 The ASC will meet any legislated mandatory or other jurisdictional requirements.

## 2.7 Anti-Doping

2.7.1 The ASC has implemented the *ASC Anti-Doping Policy* in accordance with Sport Integrity Australia and the ASC's respective responsibilities under the World Anti-Doping Code and Australian legislation.

2.7.2 All ASC employees and users of ASC or AIS facilities are subject to the *ASC Anti-Doping Policy*.

2.7.3 The ASC will handle any complaints related to any allegation, concern or disclosure relating to an anti doping rule violation in accordance with the *ASC Anti-Doping Policy*.

# 3. Complaint handling

## 3.1 Complaint handling process

3.1.1 Identify and log the complaint: All formal complaints received will be logged in the ASC complaints register. Note, formal complaints must be lodged in writing.

3.1.2 Acknowledgement: All formal complaints will be acknowledged upon receipt.

3.1.3 Assessment: An initial assessment will be undertaken by the ASC Complaints team. Where insufficient information is provided, the ASC may contact complainants to request further information or provide advice on the process for managing the complaint.

Where a complaint relates to a historical matter, the ASC will handle it in accordance with the *ASC Responding to Historical Cultural Matters Policy*, which may include referring the complaint to Sport Integrity Australia for independent review.

Where the complaint is outside of the ASC responsibility, the ASC will assist complainant in referring complaints to the correct organisation or agency. Complaints related to sports or sporting organisations will be referred to Sport Integrity Australia, including assisted referrals where required.

3.1.4 Resolve or Investigation: Where possible, early resolution of complaints will be undertaken. Where early resolution is not possible, an investigation of the complaint will be undertaken by the ASC, and where required, action taken. This process will usually be finalised within 28 days. Where this is not possible, the complainant will be advised of the anticipated timeframe for completion and kept informed of progress related to the complaint.

3.1.5 Communicate: All formal complaints (that require a response) will receive a final written determination, usually within 28 days, which includes details of the assessment(s) undertaken, final outcome and further options available to the complainant.

3.1.6 Finalisation: All complaints will be finalised once an outcome has been provided and any actions related to the complaint are completed.



- 3.1.7 **Escalation:** If a complainant is dissatisfied with how a complaint has been handled or the resolution provided by the ASC, a request can be made to have the complaint escalated. Where a request for escalation has been received, the ASC will conduct an independent internal review of the handling of the complaint.
- 3.1.8 **Record Keeping:** All formal complaints will be recorded for continuous improvement and monitored through regular review to improve ASC programs and services. Confidential or personal information will be accessible only by authorised ASC employees.

## 3.2 Privacy

- 3.2.1 The ASC requires all employees involved in the handling of complaints to adhere to the *ASC Privacy Policy* in the management of personal information.
- 3.2.2 Confidential or personal information will not be disclosed by the ASC to third parties without the prior consent of the complainant unless the information is required by legislation to be provided to regulatory agencies.
- 3.2.3 The ASC may also need to provide personal information to external parties where:
- the information relates to a sports drug and safety matter or is otherwise relevant to the performance of the functions of Sport Integrity Australia;
  - the ASC is required to by law or has a public duty to do so. For example, a Court, a regulator (such as the Australian Taxation Office) or the police can compel the ASC to disclose personal information to them; or
  - persons have expressly consented to their personal information being supplied to others for particular purposes.

## 3.3 Unreasonable complaint conduct

- 3.3.1 If a complaint is received that is deemed vexatious, contains abuse or material clearly intended to intimidate, the ASC may choose not to respond to the complaint.
- 3.3.2 If a complainant is verbally abusive or threatens harm towards the ASC and/or ASC employees, contact with the complainant may be terminated.
- 3.3.3 If a complaint's conduct is considered unreasonable, the ASC may choose to terminate contact with the complainant. Unreasonable conduct is behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the ASC.



## 4. Accountability and responsibilities

Who	Responsibilities
<b>Sport Australia CEO / AIS CEO</b>	<ul style="list-style-type: none"> <li>Ensure that complaint handling is a priority for the ASC</li> </ul>
<b>Deputy General Manager, Corporate &amp; Business Operations</b>	<ul style="list-style-type: none"> <li>Establish an effective, professional complaint handling system</li> <li>Approve the Complaints Handling Policy</li> <li>Ensure that ASC employees are aware of the policies and procedures related to complaints handling</li> </ul>
<b>Director, Governance &amp; Business Improvement</b>	<ul style="list-style-type: none"> <li>Manage the Complaints function</li> <li>Receive and manage complaints where there is high sensitivity and confidentiality required</li> <li>Authorise investigations</li> <li>Manage complaints referral to the Australian Federal Police as required</li> </ul>
<b>Complaints Handling Team</b>	<ul style="list-style-type: none"> <li>Coordinate the complaints handling system.</li> <li>Liaise with Sport Integrity Australia where required on sports complaints</li> <li>Implement escalation protocols, where relevant</li> <li>Manage the Complaints Register</li> <li>Review the Complaints Handling Policy every 3 years</li> </ul>
<b>Child Safe Team</b>	<ul style="list-style-type: none"> <li>Manage complaints related to Child safety issues.</li> <li>Refer as required to law enforcement and Child protection agencies</li> </ul>
<b>Directors and Managers</b>	<ul style="list-style-type: none"> <li>Take action to resolve or investigate complaints received about their area, where required</li> <li>Comply with escalation protocols, where required</li> </ul>
<b>Employees</b>	<ul style="list-style-type: none"> <li>Comply with the ASC Complaints Policy</li> <li>Treat all complainants with respect and courtesy</li> <li>Comply with escalation protocols, where required</li> <li>Appropriately report any complaints to their manager, or where a formal complaint is requested, to the Complaints Handling team</li> </ul>
<b>ASC Contractors and site users</b>	<ul style="list-style-type: none"> <li>Comply with the ASC Complaints Policy</li> <li>Treat all complainants with respect and courtesy</li> <li>Report any complaints to the appropriate ASC Employee or to the Complaints Handling team</li> </ul>
<b>Sport Integrity Australia</b>	<ul style="list-style-type: none"> <li>Receive complaints directed from the ASC relating to sports or sports organisations</li> </ul>

## 5. References and legislation

### 5.1 Related ACS policies and guidelines

ASC Anti-Doping Policy

ASC Child Safe Policy

ASC Code of Conduct

ASC Information & Records Management Policy

ASC Privacy Policy

ASC Complaints Handling Procedure

ASC Responding to Sexual Misconduct Policy

### 5.2 References

Commonwealth Ombudsmen Better Practice Guide to Complaint Handling





## 6. Definitions

Term	Abbreviation (if applicable)	Definition
Australian Sports Commission	SportAUS	For the purposes of this policy, 'SportAUS' represents the Australian Sports Commission.
Australia Institute of Sport	AIS	
Assisted referral	N/A	Where the ASC helps a complainant with an alternative complaints pathway, for example by direct transfer or by providing the personal details (with consent) to another agency (for example, Sport Integrity Australia)
Child	N/A	A person under the age of 18 years.
Child Abuse	N/A	<p>is the mistreatment of a Child that:</p> <ul style="list-style-type: none"> <li>– causes, is causing or is likely to cause any detrimental effect of a significant nature to that Child's physical, psychological or emotional wellbeing; or</li> <li>– does, or is likely to, endanger that Child's physical or emotional health, development or wellbeing,</li> </ul> <p>whether through a:</p> <ul style="list-style-type: none"> <li>– single act, omission or circumstance; or</li> <li>– series or combination of acts, omissions or circumstances,</li> </ul> <p>and includes physical abuse, emotional or psychological abuse, sexual abuse, grooming or neglect.</p>
Complaint	N/A	Any expression of dissatisfaction made to the ASC about the way we do business, our employees or our facilities, services, programs and products, where a response or resolution is expected or legally required.
Complainant	N/A	A person or party making a complaint, either directly or through someone acting on their behalf.
Contractor	N/A	Includes individuals or organisations engaged by the ASC or AIS by contract and their employees and subcontractors.
Employees	N/A	<p>Includes all ongoing, fixed term and casual employees engaged under the Australian Sports Commission Act 1989.</p> <p>The term also refers to any persons working in the ASC on secondment from other Commonwealth government entities.</p>
Neglect		Neglect is the persistent failure or deliberate failure or denial to meet a person's basic needs. Child Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the Child's health and development is or is likely to be harmed. Types of neglect include physical, medical, emotional and educational neglect, and abandonment.
Policy	N/A	A statement of principle which outlines statutory, regulatory or organisational requirements in line with the strategic direction of SportAUS and the Australian Government.
Site user	N/A	A person accessing or utilising an ASC or AIS site, facility or service.
Sport Complaints	N/A	Complaints about sports or sports organisations that relate to the operation, management, services or employees of these bodies.
Vulnerable Person	N/A	(a) a Child or Children; or



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(b) an individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason; or

(c) an individual aged 18 years and above who have additional communication needs or who face barriers to accessing services, such as persons from culturally or linguistically diverse backgrounds, low levels of literacy or education, or those living in rural or remote locations.

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