

Netball Australia Integrity Policy Framework

Introduction to Complaints Management



CONDUCT & DISCIPLINARY POLICY



**SAFEGUARDING
CHILDREN AND YOUNG
PEOPLE POLICY**



**MEMBER
PROTECTION
POLICY**



**COMPETITION
MANIPULATION &
WAGERING POLICY**



**SPORTS
MEDICINE POLICY**

KEY PHRASES # 1

Definition	What does it mean?
Relevant Person or Affiliate Person	Individual Members
Relevant Organisation or Affiliate	Netball Australia, Netball NSW, Clubs and Associations
Activity	Match, Competition, Training, Event, Awards, etc.
Non-Member Person	Parents, Guardians, Spectators
Netball Organisation	Netball NSW or other state/territory MO
Participant or Athlete	SSN, ANC, NNC level <u>only</u>



KEY PHRASES # 2

Definition	What does it mean?
Complaint	A complaint lodged with a Relevant Organisation
Disciplinary Action	Where a Relevant Organisation brings a matter against a Respondent
Complaints Manager	Person appointed to manage Alleged Breaches.
Decision Maker	Person or Tribunal appointed to make certain decisions.
Provisional Action	Interim Administrative Arrangement



COMPLAINT OR ALLEGED BREACH



INITIAL EVALUATION



ASSESSMENT



**PROVISIONAL
ACTION**



**INVESTIGATION
(INTERNAL OR
EXTERNAL)**



**ALTERNATIVE
DISPUTE
RESOLUTION
MEDIATION/CONCILIATION**



OUTCOME



FINALISATION

*AT ANYTIME THROUGHOUT THE PROCESS;

- COMPLAINTS CAN BE WITHDRAWN OR DISCONTINUED - NA, AFFILIATE AND EXTERNAL AUTHORITY REPORTING - SUPPORT I.E. DO THE PARTIES TO THE COMPLAINT NEED SUPPORT?

DEALING WITH CONCERNS

If you receive a complaint/hear of an issue:

- a) talk **calmly and without judgment or opinion**;
- b) ensure that your conversation is occurring in a **private and safe environment**;
- c) ask non-leading questions to establish what the concerns are – **who (incl. contact details for parent), what when, where, why, what next?**;
- d) **if appropriate** (for example, the issue is minor, easily resolved and no person is in danger) **take steps to resolve** the complaint at that time; otherwise
- e) if the complaint is not easily resolved OR you are not sure what to do next, **seek out a more Senior Person** and tell them what you know.
- f) **Report child abuse, sexual misconduct or serious criminal conduct** to police, Netball NSW, and the NSW Department of Community & Justice.

CONFIDENTIALITY

- ALL Alleged Breaches must be kept confidential by the Relevant Organisation.
- The Relevant Organisation may make the following disclosures;
 - To the parties to an Alleged Breach to ensure fair process;
 - To any person or organization to facilitate proper handling of the Alleged Breach;
 - To External Agencies so they can deal with the Alleged Conduct
 - To Relevant Persons or other Relevant Organisations to inform them of Sanctions or Provisional Action imposed; or
 - To any third party for the purposes of preventing or lessening a risk to the health, safety, wellbeing of a person.

1. COMPLAINT OR ALLEGED BREACH

- Schedule 2 – Complaint Form
- Complaint received or disciplinary action commenced.
- Complaints Manager must send an acknowledgement of receipt.
- Alleged breaches to be dealt with at the level of netball they occurred at.*
- Complaints Manager may seek to refer matter to a more appropriate level (ie. where child abuse, serious criminal conduct, actual or perceived conflict of interest).

2. INITIAL EVALUATION

- Is the Respondent bound by the Integrity Framework?
- Is the complaint made in Schedule 2 Form? OR Organisation is informed of an Alleged Breach?
- Is the complaint excluded?
- Does the matter need to be reported to external authorities?
- What conflicts of interest exist?
- What organization is appropriate to manage complaint?
- Is the complaint related to child abuse or serious criminal charges?

2. INITIAL EVALUATION

- a) **Conduct an investigation;**
- b) **Proceed with a Disciplinary Action;**
- c) **Undertake Provisional Action** (suspension, restriction of duties, restriction of rights, privileges or benefits); or
- d) **Refer the matter to a different level of Netball.**

COMMUNICATION

When to communicate with the Complainant;

- Acknowledgment of receipt.
- Notification of whether Initial Threshold Questions are met / applicable procedure / whether or not complaint can proceed.
- At appropriate times to keep them informed until a process is determined.

When to communicate with the Respondent;

- Notification that a complaint has been received and is being assessed and/or
- Notification that a potential breach of the Integrity Framework is being assessed.

3. ASSESSMENT

- If needed, is an investigation appropriate? Can be internal or external.
- Gather information/evidence through statements, interviews, other sources as needed.
- May or may not make findings as to whether allegations are proven to the Standard of Proof.
- Standard of Proof = Balance of Probabilities. Must be satisfied on the evidence that it is more probable than not.

4. OUTCOME

- Determine if complaint is;
 1. Minor Allegation
 2. Unsubstantiated
 3. Unable to be Substantiated
 4. Substantiated
- If substantiated, arrange appropriate next steps.
- Notify parties of next steps.
- Are there sanctions or orders to notify and enforce?

4. OUTCOME

a) Alternative Dispute Resolution

- Both parties must consent. Internal or external mediation or conciliation.

b) Warning Procedure

- Minor allegations. Warning issued to Respondent.

c) Breach Offer

- Determine applicable sanction and a discounted sanction.
- Respondent can dispute and request hearing, or admit to conduct and accept sanction or discounted sanction.

a) Tribunal

4. OUTCOME - Sanctions

- Determine appropriate sanction which may include a combination of measures, and the terms and period of measures.
- May include reprimand, verbal or written apology, direction to attend counselling or address behavior, suspended sentence, removal of accreditation or awards, exclusion from particular event, suspension, or expulsion.
- Must consider;
 - Nature and seriousness of the behaviour/incidents;
 - Considerations of the Complainant;
 - Contrition by the Respondent;
 - Impact of any sanction on the Respondent (including personal, professional or financial consequences).

5. FINALISATION

- Notify parties of options to appeal or dispute breach offer.
- Record/store file notes securely for seven years.
- Decision will be final and binding on all parties involved (subject to Appeal).
- Any applicable sanction should be recognised and respected by all other Relevant Organisations automatically.

COMPLAINTS MANAGER	DECISION MAKER
Step 1. Complaint or Alleged Breach	Provisional Action – where a CM has referred an Alleged Breach. DM can determine in their absolute discretion whether any provisional action/s will be taken.
Step 2. Initial Evaluation	Step 4. Outcome – assist the CM to determine chosen process as required. - where CM determines to use a Breach Offer, determine applicable sanction and discounted sanction.
Step 3. Assessment	
Step 4. Outcome – make findings on an Alleged Breach and determine process for resolution.	
Implement any Provisional Action, Disciplinary Action, or Sanction as determined by the Decision Maker.	

WHERE CAN WE FIND OUT MORE?

- The Integrity Framework is now live on the 'Policies' page of the Netball NSW website.
- Frequently Asked Questions
- Complaint Manager Checklist
- Posters and Social Media Tiles
- [Click here](#) to view a recording of this session.
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netball
NEW SOUTH WALES

THANK YOU

