



SPORT INTEGRITY
AUSTRALIA

National Integrity Framework

Companion Guide: Complaints, Disputes and Discipline Policy



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Purpose

This Companion Guide supports sporting organisations and personnel to understand and implement the Complaints, Disputes and Discipline Policy (Policy) within the National Integrity Framework (NIF). It is to be read and used in conjunction with the Policy.

The Policy is the principal document that sets out mandatory rules and requirements. This Companion Guide provides additional context, explanatory material and practical considerations to assist sports in applying the Policy. The guidance is advisory in nature and does not form part of the Policy.

Ensuring awareness and understanding of policies

It's important to make sure your members and other participants – both organisations and individuals – know, understand and follow your integrity policies.

This helps to:

- Support good governance
- Encourage more positive behaviour and compliance
- Ensure consistency across all levels of sport.

Participants must be aware of every integrity policy that applies to them. The better an understanding they have about their rights and responsibilities, the more likely they are to comply with these policies and avoid breaches. In contrast, a lack of understanding about integrity policies can lead to behaviours that cause harm, disputes between individuals and issues that damage a sport's reputation.

It is important that sports provide participants with reasonable notice and access to the policies that apply to them. Not doing so could mean sports are unable to properly enforce the Policy should a breach occur. For example, if a participant of your sport has not been made aware of a Policy that applies to them or had the opportunity to read the Policy and understand what conduct is prohibited, it may mean that your sport is not able to effectively apply the Policy to them and any sanction applied could be overturned by a tribunal.

Sport Integrity Australia has overviews of all the NIF policies, including fact sheets, to assist sports and participants with education and understanding the policies. These, and other education resources, are available at sportintegrity.gov.au.

There is also an eLearning course 'Understanding the National Integrity Framework' that is available on SIA's learning platform, [SIA Edge](#).

For more information about why and how to bind participants to the NIF, please contact Sport Integrity Australia via SportPartnerships@sportintegrity.gov.au

What are Member Organisations required to do?

It is every Member Organisation's responsibility to take steps to adopt the NIF policies as policies of their organisation and to ensure that the policies bind all the organisation's members, employees, volunteers, contractors, affiliates and event participants.

While your sport's National Sporting Organisation (NSO)/National Sporting Organisation for People with Disability (NSOD) may be able to bind participants of the sport through other avenues, it is still important for State Sport Organisations (SSOs) and clubs to do their own part. It is also important to note that SSOs and clubs may themselves be breaching obligations under the NIF or as a member or affiliate of the NSO by failing to do so.

If Member Organisations do not take steps to adopt and implement the NIF policies, it risks that the policies do not effectively bind participants. It can also create confusion over which policies should apply. For example, if a club's website displays a policy that contradicts or is not consistent with the policies of the SSO and/or NSO, members may be unclear which policy applies to them. This can increase risks of mismanaging serious complaints, compliance issues and ethical concerns. This has the potential to cause reputational damage to your sport.

In addition, it is important that if an organisation (such as an NSO/NSOD) decides to refer a matter to another organisation (for example, an SSO), the organisation making the referral is satisfied prior to making this referral that the receiving organisation has also properly adopted the relevant policy/policies.

When sports have consistent, aligned integrity policies at all levels – national, state and club – it helps to:

- Clarify jurisdiction and decision-making authority
- Strengthen governance
- Resolve disputes more efficiently
- Enforce rules more consistently.

Aligning integrity policies and improving integrity awareness requires a coordinated effort at national, state, regional and local level. For example, for an SSO to properly adopt the NSO's policies it may require a coordinated effort to review SSO Constitutions and make any necessary amendments (via the processes set out in the Constitution).

For more information about adopting and implementing the NIF, please contact Sport Integrity Australia via SportPartnerships@sportintegrity.gov.au.

Important considerations for complaint managers

Is a formal investigation required?

Education or other non-disciplinary approaches may be a more appropriate and proportionate response in matters where:

- Inappropriate behaviour may reflect a lack of understanding or lapse in judgement
- It is deemed lower-risk to members of sport, or
- those involved are children/young people.

These approaches can often be implemented quickly, allowing concerns to be managed efficiently and effectively before they become bigger issues. Ideally, lower-risk concerns should be managed at the level where they occur before formal allegations are submitted under the Complaints, Disputes and Discipline Policy (i.e. a club manages its own low-risk concerns at club level). More serious concerns should be escalated to state and national bodies.

Where allegations have been submitted to the NSO, SSO or Sport Integrity Australia under the NIF, the Complaint Manager who receives the allegations may assess the matter and determine that it is better dealt with through a more informal process at that club level. In this case, it would be referred back to the club without a formal investigation.

Complaint managers may need to undertake preliminary enquiries to gather further information to inform a decision about how to manage a complaint. A preliminary enquiry occurs in the Evaluation phase of a complaint. A preliminary enquiry is different to an investigation, which involves gathering the facts (statements and interviews), analysing the evidence and making a finding on the balance of probabilities.

A preliminary enquiry does not seek to establish whether the alleged conduct occurred and should only be undertaken to the extent necessary to make an informed decision about how the complaint should be managed. When speaking to parties, a complaint manager should explain that they are making enquiries in relation to information received and that these enquiries will help determine the most appropriate way to manage the concerns raised.

Education and other corrective responses are particularly important when it comes to issues involving children and young people, who should not be held to the same standards as adults.

Responses to consider can include:

- Education to address poor behaviour. This can range from providing a formal letter or resources, a meeting with the respondent, through to completion of eLearning courses and programs.
- Formal and informal dispute resolution, such as mediation. This can be especially valuable where there is evidence of ongoing personal grievances.
- Participation plans for children and young people to set clear expectations.
- Committing to making broader improvements to culture and processes within the club/organisation.
- Mentoring, counselling and coaching.
- Increased support and/or supervision where appropriate.

It's important to distinguish behavioural issues from staff/personnel performance issues. Performance concerns must be managed under the applicable employment policies and processes by the employer and cannot be addressed under the NIF.

When to investigate

Under the Complaints, Disputes and Discipline Policy disciplinary action (i.e. issuing a sanction) may only be taken where a Complaint has been investigated, and one or more alleged breaches of a Relevant Policy have been found to be substantiated. Accordingly, allegations should be investigated only where disciplinary action may be appropriate.

The more serious the alleged behaviour, the more likely that disciplinary action is appropriate. When assessing a matter, consider:

- the respondent's age, role and experience
- whether the behaviour was uncharacteristic, or part of a pattern
- whether the behaviour happened once or is ongoing
- whether there have been previous complaints about the respondent.

Some members are appropriately held to higher standards. For example:

- Adults are held to higher standards than children and young people.
- Senior or experienced members of sport should exercise a greater degree of judgement and model expected behaviours. This is particularly true of people in positions of authority and trust e.g. a coach or president of a club.

A trauma-informed approach

A complaints process can be stressful for those involved. It's important to take a trauma-informed approach that puts people first. This involves recognising the impact of trauma and being sensitive to each individual's experiences so as not to re-traumatise someone.

Some ways to support a trauma-informed approach include:

- Providing wellbeing support. This is essential and should be offered as soon as possible to anyone involved in the complaints process, with continual reminders that it remains available. You must also communicate the option for a respondent to have a support person or legal representative during the process.
- Focusing on open and thorough communication e.g. explaining the decision, but also the reasons for the outcome.
- Giving people involved in the complaints process options and flexibility about how they engage with the process e.g. a written response or an interview. Keeping all parties informed about the progress and timeframe.
- Using verbal communication to provide a human touch to the process and support written communication. Ensure you allow time to explain the process, what to expect, and give people the opportunity to ask questions.

Procedural fairness

The processes used to make decisions should be fair, transparent and consistent. This is procedural fairness and it requires that:

- an investigator/decision-maker is impartial, and free from actual or apparent bias
- the respondent receives a fair hearing, including the opportunity to respond to any adverse material that could influence the decision (this includes input into any sanction)
- findings are based on evidence that is relevant and logically capable of supporting the findings.

The Complaints, Disputes and Discipline Policy states that procedural fairness will apply to all investigations (clause 7.5(b)). Generally, the right to procedural fairness only applies to the person whose rights or interests may be adversely affected by a decision (the respondent), rather than, for example, a witness or complainant. However, the Complaints, Disputes and Discipline Policy requires that complainants also be given a reasonable opportunity to be heard. This means that proper consideration must be given to each allegation that is received. If there is information received during an investigation that may affect the outcome, both parties should be given an opportunity to respond.

Notification to the respondent

Inform a respondent of a complaint against them as soon as reasonably practicable. Generally, this notice should include as much detail about the complaint and allegations as possible. However, there will be situations where it may be preferable to delay providing specific details at the time of notification. For example, this may be necessary where law enforcement is involved and has requested that certain information not be provided to the respondent prior to the police commencing their investigation.

The notice should provide:

- Sufficient information for the respondent to understand the complaint
- The process to be followed
- Potential outcomes
- Likely timeframes
- Options for wellbeing support.

It is best practice to also call the respondent so you can answer any questions.

The time given to respond will depend on the complexity and volume of allegations and evidence. It is generally sufficient to provide 7 days, with the offer of an extension by request. Extensions should be considered on a case-by-case basis and should be supported by a legitimate reason.

Bias

The investigator, decision-maker and sanction decision-maker must all be impartial and free from actual or apprehended bias. The test for bias is whether a reasonable person would view the subject as impartial.

Actual bias means that a person is unable to be impartial because they have a pre-existing view or mindset that inhibits their ability to make an objective assessment. The most common form of actual bias is when a conflict of interest exists to prevent - or appear to prevent - the person from being impartial. In most cases, apparent bias is enough to disqualify a person (investigator, decision-maker or sanction decision-maker).

Apprehended bias means that, due to contextual factors such as a person's background, relationships or role, that person could reasonably be perceived as not being impartial in the circumstances.

An apprehension of bias can also arise from what a person says or does. For example, if someone:

- ignores evidence or chooses to dismiss it for insufficient reasons. This may indicate hostility to one side or that they have formed a prejudgement that is not open to persuasion.
- makes public comments about the decision prior to the decision being made.
- has a prior relationship or involvement with the decision that might lead to a reasonable apprehension that they would not bring an impartial mind to the process.

The right to be heard

A respondent must be given the opportunity to respond to any relevant information. This includes any information the decision-maker will rely on and any information that is adverse to the respondent.

Respondents must be given sufficient details of the case against them to be able to respond properly, but this does not necessarily mean that the respondent needs access to all investigation material in full. For example, this may be a summary of the evidence or witness statement, rather than the full document. The material does not always have to be provided in writing - it may be appropriate to do this at an interview.

When a respondent is found to have breached a sport's policy, it may be appropriate to issue a sanction. For significant sanctions, complaint managers are encouraged to provide respondents with the preliminary view on any sanction and seek their response. Under the Complaints, Disputes and Discipline Policy, sporting organisations can publicly publish a sanction on their website to give the sanction its full effect. This may be most relevant to sanctions that involve significant suspensions or lifetime bans. Sporting organisations are encouraged to advise Sport Integrity Australia of any lifetime ban issued to sporting participants for information and intelligence purposes.

Evidence

Any finding made as a result of an investigation must be supported by evidence gathered during the investigation.

A "substantiated" finding may only be made where the evidence gathered in the investigation reasonably supports the conclusion that it is more likely than not that the respondent engaged in some or all of the alleged conduct (the balance of probabilities), and the conduct which is likely to have occurred is a breach of the policy. The finding must also be supported by analysis that clearly explains why the finding was made and which addresses both the factual finding (what the investigator considers was most likely, based on the evidence, to have been said or done) and why the behaviour found to have occurred does or does not amount to a breach of a relevant policy.

In making a finding about whether an allegation is supported by the evidence, consideration should also be given to the Briginshaw Principle. This principle establishes that the more serious an allegation, the more substantial the evidence that may be required in order to prove such allegation on the balance of probabilities. It does not establish a new or higher burden of proof, but rather requires that more caution be applied in accepting serious allegations with greater consequences for the respondent.

If, in the course of the investigation, evidence is gathered which suggests that there are additional allegations against the respondent, that a different section of the policies has been breached, or that the alleged conduct should be framed differently, the respondent must be notified of the change to the allegations and given a further opportunity to respond before a finding is made.

As explained above, there is no requirement to provide a respondent with all the information, just what is relevant to the decision. This would be any information that will assist the respondent in being able to respond to the allegations, such as when and where the conduct allegedly occurred, and any information that may be relied upon to make findings adverse to the respondent.

Summaries of documents are acceptable, but generally a respondent will need to know where that information has come from. In the case of a witness statement, the name of the witness should be disclosed to the respondent.

Resources to support you

If you are managing a complaint under the Complaints, Disputes and Discipline Policy, it's important to understand and follow the process outlined in the Policy. There are other useful resources for support:

- The [Investigation of Complaints Guidelines](#) provide a step-by-step guide to help manage an investigation under the National Integrity Framework.
- The [Guidance for complaint management and sanctioning](#) webpage has helpful advice on categorising complaints and considerations for imposing sanctions.
- Email and letter templates are available to guide each stage of an investigation e.g. a template letter to notify a respondent of an investigation. Please contact your NSO for access to these templates.