



**SPORT INTEGRITY
AUSTRALIA**



NATIONAL INTEGRITY FRAMEWORK

COMPLAINTS PROCESS: UNDERSTANDING FAIR PROCESS

Just like the sports we play, the process used to hold people or organisations accountable for poor behaviour in sport needs to be fair. This information is designed to help you understand what a fair process is, why it matters and why a fair process may not always produce an outcome everyone is happy with.

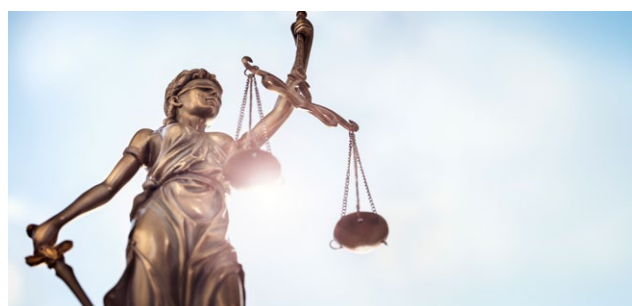
What is the independent complaints process?

Integrity threats confront sports at all levels and while sporting communities are working to keep their members safe there are a range of issues which can arise within sport that need a formal process to be resolved.

Once a sport commences operating under the National Integrity Framework, the independent complaints process allows Sport Integrity Australia to evaluate and assess allegations of poor conduct in sport independent of the sport. This process is set out in the National Integrity Framework [Complaints, Disputes and Discipline Policy](#).

How is Sport Integrity Australia independent?

Sport Integrity Australia is an Australian Government agency. This allows Sport Integrity Australia to operate and make decisions independent of sports. While it remains independent, Sport Integrity Australia will communicate with sports during the complaints process to gather information relevant to a Complaint. For example, Sport Integrity Australia may check whether someone is registered in the sport and bound by its policies.



Sport Integrity Australia carries out its assessment of a Complaint and its decision making around a Complaint outcome completely separate from sports.

What is Sport Integrity Australia's role?

When allegations of poor behaviour are received, Sport Integrity Australia's role is to be independent and impartial.

Sport Integrity Australia's role is to review all information available that might prove or disprove an allegation. It then makes a decision about whether a policy has been breached and if so, what sort of discipline might be appropriate.

Sport Integrity Australia cannot advocate for one person over another, as being impartial in assessing what happened is key to a fair outcome for everyone involved. This can be difficult for people who know or believe they have been wronged. To help, Sport Integrity Australia ensures everyone involved has access to independent wellbeing support throughout the process.



WWW.SPORTINTEGRITY.GOV.AU



How does Sport Integrity Australia assess a Complaint?

Sport Integrity Australia assesses a Complaint by gathering relevant information, which may include witness statements and other documentary evidence, assessing it against the policies and making a decision to finalise the Complaint. This decision-making process is done on 'the balance of probabilities'.

What is 'the balance of probabilities'?

When a matter is considered on 'the balance of probabilities' it means determining whether one version of events is more likely to have happened than another.

This decision can only be reached if a fair decision-making process has been followed. This process is known as procedural fairness.

What is procedural fairness?

Procedural fairness means acting fairly in administrative decision making and is based on three requirements:

1. Impartiality
2. Evidence
3. A Fair Process

Impartiality

Impartiality means that the decision maker in the process must be independent and not have any biases that could influence their decision.

Sport Integrity Australia is an independent body to those involved in the Complaint, and the sport in which the alleged conduct occurred. This means Sport Integrity Australia can assess the Complaint without the risk of bias or conflict of interest.

Evidence

All decisions must be based on relevant facts that are verified by evidence.

Sport Integrity Australia is required to seek evidence to support any allegations made as a part of the complaints process and can only include facts in their decision making which are supported by reliable evidence. However, it's important to be aware that Sport Integrity Australia cannot force any witness to provide information as part of a complaints process.

Fair Process

For a process to be fair and to make a fair decision, the decision maker must allow those involved in the process a reasonable opportunity to tell their side of the story and for it to be heard.

Sport Integrity Australia is required to contact and hear all parties involved in the process before reaching a decision. This means Complaints cannot be anonymous. For the person alleged to have committed wrongdoing it is important they have a reasonable opportunity to be heard and know the case against them so they can defend themselves. This includes details of other individuals involved.

Why doesn't procedural fairness always result in an outcome everyone is happy with?

Procedural fairness guarantees a fair process, not an outcome everyone is happy with. This means that there may be situations where, due to the requirements of procedural fairness, an outcome that would satisfy one party or another can't be reached.

An example of this is if a Complaint is made by someone, but there isn't any evidence available to support the allegation. This may not mean the allegation is untrue, but as there is a lack of evidence, it would not be fair to substantiate the allegation and impose a punishment.

Sport Integrity Australia understands that this can be frustrating and potentially distressing for people whose allegations are not substantiated. It can also be difficult if someone has a claim made against them that is potentially untrue. It wouldn't be fair to assume that a claim is true without going through a fair process.

Procedural fairness is the cornerstone of a fair complaint process, and Sport Integrity Australia is committed to providing this for all members of sport.

Why should I make a complaint if there's no guarantee I will get the result I want?

Sport Integrity Australia understands that making a Complaint can be daunting. In some instances, it involves revealing hurtful, emotional or deeply personal things that have happened. The prospect of going through this process and not arriving at an outcome that you are happy with can be equally as confronting.

It's important to remember that the only way to make meaningful change in sport is by speaking out against bad things that happen. The complaints process is critical to upholding strong standards in sport and calling out poor behaviour, and it's important that this occurs, even if the result may not be exactly what someone hopes.

While Sport Integrity Australia cannot guarantee the outcome, it can guarantee that the information provided through every Complaint will be considered fairly and given proper attention. Every Complaint also informs Sport Integrity Australia's understanding of issues or problems in each sport, enhances our education programs, and can be used to work with sports to stop similar issues occurring. This means everyone who comes forward helps make sport a safer and fairer place in the future.