

Complaint Handling Procedure

This procedure should be read in conjunction with the relevant Code of Conduct that applies.

The complaint handling procedure is designed to ensure that complaints, disputes, and breaches of a Code of Conduct are managed through an effective, consistent, and timely process.

Definitions:

- A Complaint is a formal notification of an alleged breach of a Code of Conduct, made by a complainant against a respondent.
- A Complainant must be a person who is directly affected by the alleged breach of the Code of Conduct.
- A Respondent must be a person who was bound by the Code of Conduct they are alleged to have breached at the time the alleged conduct occurred.

Process:

1. Evaluate that the allegation is within the scope of the Code of Conduct.
2. Assess whether the case severity is:
 - a. Low. These mostly (although not always) involve a mistake, misunderstanding, or an absence of intent to harm. There are rarely, if any, complicating factors.
 - b. Medium. These may involve the risk of moderate or reasonable harm, or repeated, more severe or more complex allegations than those assessed as low severity.
 - c. High. These matters may involve criminal behaviour and /or immediate risk of harm, or other lower matters made more severe because of specific circumstances, including the frequency, intensity, number of reported incidents or complaints received.
3. Determine if a provisional action is appropriate because of a risk of harm. Provisional Action may include suspension, supervision, restriction of duties or temporary re-deployment, or suspension or restriction of rights, privileges or benefits.
4. Decide if an investigation is appropriate. This is to obtain additional evidence, including by way of formal interviews, to assist the club or class to determine the facts. In conducting an investigation, the rules of procedural fairness apply including by providing the Complainant and the Respondent with a reasonable opportunity to provide evidence.
5. Assess the standard of proof against the "balance of probabilities". Balance of probabilities requires that something must be more likely to have happened than not to have happened.
6. Make findings as to whether, to the requisite standard of proof, the Complaint is substantiated, unsubstantiated or unable to be substantiated.
7. If the allegation is substantiated, impose a sanction if the club or class believes the behaviour warrants such action. When deciding on an appropriate sanction, the club or class may consider:
 - a. the seriousness of the behaviour;
 - b. whether it was a one-off incident or part of an overall pattern of behaviour;
 - c. whether it was an honest and reasonable mistake;
 - d. the potential impact on public confidence in the integrity of the sport;
 - e. the views and opinion of the Complainant;
 - f. any relevant aggravating or mitigating factors; and
 - g. any other matter it considers relevant.
8. Any breach notice issued by a club or class to a Respondent will:
 - a. notify the Respondent of the findings made;

- b. state the sanction for the breach;
 - c. state that the Respondent has a right to appeal the findings and the sanction;
 - d. state that the Respondent may waive their right to appeal and accept the sanction;
 - e. state that if the Respondent does not respond in writing within 14 days of the date of the breach notice, they will be deemed to have waived their right to appeal;
 - f. state that any response to the breach notice must be made to the club or class, and provide contact details of the person who is correctly placed to receive the appeal; and
 - g. be provided in writing to the Respondent.
9. A decision:
- a. In respect of provisional action, is not subject to appeal.
 - b. In respect of findings and sanction, is subject to appeal by the Respondent.
10. The decision can only be appealed on the grounds that:
- a. the procedure failed to accord natural justice; or
 - b. no reasonable decision maker in the same position, based on the material before it, could reasonably make such a decision.
11. It is the ultimate responsibility of the club or class to ensure that appropriate sanctions (or other alternative actions) are undertaken, and that the given Code of Conduct is implemented and applied.