

COMPLAINT HANDLING PROCEDURE

Version: 1	Reviewed on: 31/10/2022
Responsible Person: Charlene Smith	Approved by Board on: 31/10/2022
Position: President	

APPLICABILITY

This Policy applies to all of the following people & organisations, whether they are operating in a paid or unpaid/voluntary capacity:

- The Success Netball Association and its Members.
- The Success Netball Association Board and Sub Committees.
- Affiliated Members of the Success Netball Association and their Members.
- All employees, volunteers, independent contractors, spectators, and other participants of Success Netball Association activities.
- All non-members, including but not limited to parents, guardians, spectators and sponsors and any other person or organisation to the fullest extent possible.
- Any other person who has agreed to be bound by this Policy.

CHANGES TO THIS POLICY

This Policy may be cancelled, amended, or supplemented by the Association as and when it sees fit. Any variation will be emailed to Clubs and Entity Teams by the Association and uploaded to our website. The Association will review this policy on a regular basis to ensure that it remains effective in supporting the objectives and strategic direction of the Association, and to ensure ongoing best practice.

INTENT OF POLICY

Is to outline the Disciplinary Procedures that are to be used by the Success Netball Association to deal with disciplinary actions and matters against members and non-members.

This Policy applies:

- At any Success Netball Association or Affiliated Member competition or event.
- During any paid or volunteer activities of the Success Netball Association.
- During all netball related activities of the Success Netball Association, including competitions, training, events, and camps.
- At all times when providing services on behalf of the Success Netball Association or an Affiliated Member, and.
- At all times when acting in any capacity, whether voluntary, paid or unpaid, on behalf of the Success Netball Association or an Affiliated Member.

For the avoidance of doubt, the procedure set out in this Policy shall not apply to any incident or matter to which other policies of the Success Netball Association, an Affiliated Member, Netball WA, or Netball Australia apply. Any disciplinary matter which may be dealt with in accordance with other policies (including, but not limited to, the [Netball Australia Member Protection Policy](#) and the [Integrity Framework Policies](#)) shall be dealt with in accordance with the disciplinary procedure set out in that policy.

RESPONSIBILITIES

The Success Netball Association Competitions Committee is responsible for ensuring the implementation of this Policy, including delegating the responsibility of management of this Policy.

THE POLICY

1. An official complaint may be lodged with the Competition Committee as soon as possible on the day of the match or within 48 hours of the completion of the match. The offence may have occurred before, during or after the competition, program or event but must have occurred on SNA premises or at a location where Success Netball Association are in attendance. The car park does not form part of SNA premises. All official complaints must be received in writing from the Club or Entity Team. Any official complaints lodged from individuals will be returned to the appropriate club contact.
 - 1.1. The Competitions Committee reserves the right to refuse to accept complaints that are frivolous, vexatious or otherwise deemed to be mischievous in their nature. The final decision will rest with the President (or nominee) and Vice President (or nominee).
 - 1.2. Where a Competitions Committee Member or Official believes an offence may have been committed, the Competitions Committee may investigate, or appoint a person to investigate the alleged offence. If after the investigation the SNA Competitions Committee or the person appointed to investigate recommends that an official complaint should be made, the Competitions Committee or the person appointed by it may make an official complaint. An official complaint arising out of an investigation conducted under this clause should be made within one week of the date on which the alleged offence took place.
2. Once the Competition Committee has received the official complaint and they feel the matter needs to be investigated to determine an outcome, the Competitions Committee will arrange a Complaints Panel. This panel shall consist of a minimum 3 people to investigate further.
 - 2.1. The Complaints Panel can use SNA Committee Members from any existing committee, they can also use a person from outside SNA when agreed by the SNA Board.
 - 2.2. Where possible the Complaints Panel will have no conflict of interest or declare a conflict of interest to the Competitions Committee.
 - 2.2.1. If the Competitions Committee feels the conflict of interest is acceptable the matter will progress, or a new panel member appointed.
3. Once the Complaints Panel has reviewed the original complaint, and if they consider that a member or non-member has allegedly:
 - Breached, failed, refused, or neglected to comply with a provision of the Constitution, policies or any resolution or determination of the Competitions Committee; or
 - Acted in a manner unbecoming of, or prejudicial to the objectives and interests of the Association and/or the sport of netball; or
 - Brought the Success Netball Association and the sport of netball into disrepute.They must begin disciplinary proceedings.
 - 3.1. When the Complaints Panel determines that disciplinary proceedings are to be commenced against a member or non-member, the Complaints Panel may take steps it considers necessary to:
 - 3.1.1. Obtain information about the alleged conduct that is the subject of the disciplinary proceedings, including but not limited to undertaking an investigation and reviewing relevant documentary material

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- 3.1.2. Request written statements from those involved or witnesses (for example coaches, umpires, officials and team mates.)
 - 3.1.3. Request additional information from what was originally disclosed in the original complaint.
 - 3.1.4. All written requests for information will be forwarded to the clubs the parties are affiliated with.
 - 3.1.5. Provide the Respondent with an opportunity to respond to the allegations that are the subject of the disciplinary process.
 - 3.1.6. This request will be emailed to the club the respondent is affiliated with.
 - 3.1.7. The club may wish to add additional witness statements if required.
4. Outcome
 - 4.1. The Complaints Panel will need to:
 - 4.1.1. Determine whether the alleged conduct the subject of the disciplinary process occurred; and
 - 4.1.2. Determine what, if any, disciplinary action to take against the Respondent.
 - 4.2. After 4.1 is completed, the Complaints Panel may take one of the following steps.
 - 4.2.1. Determine an outcome without Mediation or Disciplinary Hearing.
 - 4.2.2. Refer matter to a Hearing.
 - 4.2.3. Refer matter to Mediation.

This is up to the discretion of the Complaints Panel, they may find an alternative process and this will be relayed to all parties in writing.
5. Outcome without Mediation or Disciplinary Hearing.

When the Complaints Panel determine an outcome based on the written statements provided, they will notify all parties the findings in writing of the following:

 - 5.1. Outcome of the complaint
 - 5.2. Any disciplinary actions to be taken. Including but not limited to:
 - 5.2.1. Impose monetary fine;
 - 5.2.2. Impose warning;
 - 5.2.3. Suspend, disqualify, reprimand, ban or otherwise deal with the person;
 - 5.2.4. Another such penalty as the Complaints Panel considers appropriate.
6. Mediation
 - 6.1. If the matter is to be dealt with by mediation, the Complaints Panel shall arrange a suitable time and place for the mediation to occur. The Complaints Panel can use SNA Committee Members from any existing committee, or they can also use a person from outside SNA when agreed by the SNA Board to be the mediator. The complainant and one advocate (or parent or guardian if aged under 18) and the person or persons named in the complaint (each shall be entitled to one advocate or parent or guardian if aged under 18) shall be required to attend the mediation.
 - 6.2. With mediation there shall be no defined penalties. The Complaints Panel shall keep a record of the proceedings. This is to be provided to the SNA Administrator.
7. Disciplinary hearing procedures
 - 7.1. The Complaints Panel shall serve to the Respondent a notice in writing within 48 hours of receiving the report with the following information:
 - The person alleging the offence.

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- The person charged with the alleged offence.
 - The umpires involved if applicable.
 - And other parties if applicable.
 - Request confirmation from club contacts that arrangements are suitable.
 - It is up to the discretion of the Complaints Panel if the whole or part of the complaint / report is forwarded via the club / team entity contact.
- 7.2. Give the Complaints Panel, before the date of the disciplinary hearing, a written statement regarding the alleged conduct, if not already done so in Rule 3.1.
 - 7.3. At the meeting, the Complaints Panel shall give the Respondent an opportunity to respond to the alleged conduct that is the subject of the disciplinary process.
 - 7.4. SNA and the Respondent shall not be entitled to legal representation at the Disciplinary hearing.
 - 7.5. The Disciplinary hearing shall be conducted in whatever manner the Complaints Panel considers appropriate in the circumstances (including by way of teleconference, video conference, in person meeting or otherwise) provided that they do so in accordance with the principles of natural justice. This must be completed by the next playing match where possible exceptions to this to be determined by the SNA Competitions Committee.
 - 7.6. At the disciplinary hearing, parties involved shall be interviewed separately.
 - 7.7. At the disciplinary hearing, all players, umpires, or officials must be accompanied by an (one) official of their club and players under the age of 18 may also be accompanied by a parent or guardian. No party to the disciplinary hearing may be represented by a barrister or solicitor. A party may be accompanied by an advocate who is not a barrister or solicitor at the disciplinary hearing.
 - 7.8. If any charged person (or representative of a charged team or club) fails to attend as requested without reasonable cause, the disciplinary hearing may proceed and a determination made by the Complaints Panel in the absence of the charged person, team, or club, provided that the Complaints Committee are satisfied that all notification procedures have been carried out.
 - 7.9. If the Respondent refuses or fails to respond to the allegations in writing and refuses or fails to attend the meeting, the Complaints Panel may proceed to determine whether the alleged breach occurred in the absence of the Respondent's response.
 - 7.10. If the Complaints Panel considers that the alleged breach occurred, they may impose any one or more of the penalties set out in Rule 9 of this Policy.
 - 7.11. If the Complaints Panel considers that the alleged breach did not occur then the matter shall be dismissed, and the Complaints Panel shall notify the Competitions Committee and all parties of the decision.
 - 7.12. Following the meeting, the Complaints Panel shall:
 - 7.13. Give consideration, to the Respondent's response and any written statement submitted by the member or non-member;
 - 7.14. Determine whether the alleged breach occurred; and
 - 7.15. Notify the Respondent and the Competitions Committee of the outcome of the disciplinary process.
 - 7.16. Each party shall be responsible for their own costs associated with the meeting. The Complaints Panel has no power to award costs to a party.

8. Improper Reports and Victimisation

- 8.1. The Association recognises the importance of a procedure that has integrity and is free from unfair repercussions or victimisation against those who are making or supporting a report under the Policy.
- 8.2. Disciplinary measures may be imposed on anyone who victimises another person for making a report or supporting another person's report.
- 8.3. Any person covered by this Policy who is found to have knowingly made an untrue report, vexatious or malicious report may be subject to disciplinary action.

9. Penalties

- 9.1. The Complaints Panel must communicate the penalties, if any, in writing to the Respondent via the club they are affiliated with and the Competitions Committee.
- 9.2. If the Complaints Panel considers that the alleged breach occurred, any one or more of the following penalties may be imposed:
 - 9.2.1. An official warning.
 - 9.2.2. A fine against the Member or Non-member.
 - 9.2.3. Where there has been damage to property, direct that the Member or Non-member pay the compensation to the relevant organisation which controls or has possession of the property.
 - 9.2.4. Cease funding granted or given to the Member or Non-member by Netball WA from a specified date.
 - 9.2.5. Suspend the Member or non-member for a specified period and/or terminate any rights, privileges and benefits provided to that Member by the Association.
 - 9.2.6. Cease to sanction events held by or under the auspices of that Member or Non-member.
 - 9.2.7. Reprimand the Member or Non-member or direct them to attend counselling or training to address the conduct.
 - 9.2.8. Suspend the Member from membership of the Association, or from their employment or engagement by the Association, for a specified period.
 - 9.2.9. Expel the Member from membership of the Association or terminate the employment or engagement of the Member or Non-member with the Association; or,
 - 9.2.10. Any other such penalty as the Complaints Panel considers appropriate.
- 9.3. The penalty to be imposed on the Respondent may depend on factors such as:
 - 9.3.1. The nature and seriousness of the breach.
 - 9.3.2. If the person knew, or should have known, that the behaviour was a breach of this Policy.
 - 9.3.3. The person's level of contrition.
 - 9.3.4. The effect of the proposed disciplinary measures on the person, including any personal, professional, or financial consequences.
 - 9.3.5. If there have been any relevant prior warnings or disciplinary action;
 - 9.3.6. Any other mitigating circumstances.

10. Appeals

- 10.1. The Association Competitions Committee shall appoint an officer ('the Appeals Officer') to be responsible for the receipt of appeals arising from a decision of the Complaints Panel and to carry out the duties in connection with any such appeals.

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- 10.1.1. The Appeals Officer may hold another position within the Association and/or its Affiliated Members and should not have been on the original Complaints Panel.
 - 10.1.2. As far as is possible, the Appeals Officer should not have a conflict of interest in the matter to be considered by appeal.
 - 10.2. There shall be no appeal from a decision of the Complaints Panel unless the person seeking to appeal ('the Appellant') satisfies the Appeals Officer, in the Appeals Officer's sole discretion, that:
 - 10.2.1. Significant new or additional evidence has become available; or
 - 10.2.2. The severity of the sanction can be demonstrated to be excessive; or
 - 10.2.3. There has been a failure of natural justice.
 - 10.3. The Appellant must:
 - 10.3.1. Lodge with the Appeals Officer a notice stating the full details of the charges and results thereof and stating, in full, the grounds of appeal ('Notice of Appeal').
 - 10.3.2. This lodgement should be within 5 days of the notification of a determination made by the Complaints Panel or the Association Competitions Committee and should use any form prescribed by the Association for this purpose.
 - 10.4. The Appellant shall be notified by the Appeals Officer within 3 days of the receipt of the Notice of Appeal whether an appeal hearing is to be granted and, if an appeal hearing is granted, the time, date and location of the appeal hearing.
 - 10.5. If an appeal is granted, the Appeals Officer shall convene an Appeals Tribunal to hear and determine the appeal, with the appeals hearing to be held within 14 days of the receipt of the Notice of Appeal. Subject to approval from SNA Board.
 - 10.6. Where a granted appeals hearing is not held within 14 days of the receipt of the Notice of Appeal, any sanction imposed by the Complaints Panel shall be suspended until the appeal hearing is held.
 - 10.7. An Appeals Tribunal shall consist of 3 people appointed by the Complaints Panel from time to time to hear appeals as required by the Association.
 - 10.8. The Association must not appoint any people who were involved in the original hearing of the matter which is the subject of the appeal.
 - 10.9. The Appeals Tribunal chairperson shall be nominated by the Appeals Officer.
11. Proceedings of Appeals Tribunal
 - 11.1. The Appeal Tribunal and persons appearing before it, are bound by the same procedures under this Policy in Rule 2 as if the Appeals Tribunal was hearing a matter at first instance.
 - 11.2. The Appeals Officer shall forward records of any meetings or decision-making processes in which the matter the subject of the appeal was heard at first instance to the chairperson of the Appeals Tribunal, within 72 hours of appointing the Tribunal Chairperson.
 - 11.3. The Appeals Tribunal shall have the discretion to conduct the hearing as a complete re-hearing or to limit the hearing to consideration of the ground(s) of appeal relied upon by the Appellant according to their Notice of Appeal.
 - 11.4. An Appeals Tribunal shall have the power to:
 - 11.4.1. Dismiss the appeal.
 - 11.4.2. Uphold the appeal.
 - 11.4.3. Impose any of the penalties set out in this Policy; or
 - 11.4.4. Reduce, increase or otherwise vary any penalty imposed by the initial decision, in such a manner as it thinks fit.
 - 11.5. The Appeals Tribunal is obligated to give written reasons for its decision.

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- 11.6. At the conclusion of the appeal, the chairperson of the Appeals Tribunal shall ensure that the following people are correctly informed of the determinations of the Appeals Tribunal:
- 11.6.1. The Appellant.
 - 11.6.2. The Appeals Officer; and
 - 11.6.3. The SNA Competitions Committee.
- 11.7. The decision of the Appeals Tribunal is final and binding on the parties.
12. Costs
Each party to a proceeding under this Policy shall bear their own costs.
13. Exhaust Internal Appeal
A member or non-member must exercise their right of appeal under this Complaints Handling Procedure and have any appeal heard and determined by the Appeals Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law, the State Administrative Tribunal, the Court of Arbitration for Sport, or other external organisation.
14. Relationship with Criminal Matters
- 14.1. If, during a Disciplinary or Appeals Tribunal hearing or an investigation under this Policy, it becomes known that a criminal charge has been brought (as opposed to just the subject of police investigation) arising out of the actions that are the subject of the hearing, appeal, or investigation, then the Disciplinary or Appeals Tribunal or Complaints Panel may rule that further action be deferred until the completion of the criminal charge.
 - 14.2. In making a determination under Rule 8, the Disciplinary or Appeals Tribunal or Complaints Panel shall have regard to the need of ensuring the ongoing safety of players, umpires, coaches and other persons involved in the Association and related Affiliated Members.

RELATED DOCUMENTS

[Grievance Policy](#)

[Netball Australia Member Protection Policy](#)

[Integrity Framework Policies by Netball Australia](#)

[Fines and Penalties Table](#)