COMPLAINTS HANDLING GUIDELINE

HANDBOOK FOR COMPLAINT MANAGERS

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CASE CATEGORISATION & GUIDANCE FOR SANCTIONS

Alleged breaches of the SLSA Policies are reviewed utilising a system set out in this guidance.

The system establishes a transparent, objective and consistent basis for evaluating allegations of Breach of policy and determining the appropriate Assessment process under the Complaints Resolution Policy.

The decision and process of how to progress alleged breaches of SLSA Policy, as well as the associated resourcing, is outlined in this guideline.

This section comprises of three main components:

- Case Categorisation
- Aggravating and Mitigating Circumstances
- Sanctions and Related Measures.

Matters within scope of the Complaints Resolution Policy may be categorised through a 3-tier system, based on the nature of the alleged conduct, perceived level of harm, and complexity. Each matter should be considered on its merits in light of these categories.

CATEGORY 1: BLUE – LOW

Category 1 (Blue) matters involve minor allegations of Breach of policy and mostly (although not always) involve a mistake, misunderstanding, or an absence of intent to harm. There are rarely, if any, complicating factors.

The presence of any complicating factors may escalate a matter to a more severe Category. Complicating factors include a real risk of harm, criminality, aggravating factors (as set out in Aggravating and Mitigating Circumstances later in this document), an uncooperative Respondent or risk to the sport.

Category 1 matters include (but are not limited to):

CHILD & YOUNG PEOPLE PROTECTION

- Children and Young People (CYP) having a physical altercation.
- Low level swearing, derogatory or disrespectful comments, chastising a CYP.
- Aggressive tone, disrespectful comments, or a heated altercation, in the absence of malice, vilification or bullying or other egregious behaviour.
- Lewd jokes (where adults involve minors, a higher category may result).
- Unnecessary physical contact (not involving sexual misconduct) including pushing, shoving or bumping into another.
- Non-compliance with the following Child Safe Code of Conduct, but only where no obvious aggravating circumstances or behavioural patterns of concern are present:
  - Exhibiting favouritism towards a child.
  - Photographing a child without appropriate consent.
  - Transport of a child/children without parent / guardian consent.
  - Gifting to a child/children unless an official award.
  - Engaging in open discussions of a mature nature in the presence of children.
  - Social media contact with a child/children (where there is no inappropriate content).
  - Accepting invitation to attend a private social function without an existing social, personal or family relationship.

MEMBER CODE OF CONDUCT

- Low level disagreements between individuals related to imposing the regulations of the club, arguments and heated discussions.

OTHER

- disagreements between parents involving team selections

CATEGORY 2: AMBER – MEDIUM

Category 2 (Amber) matters allege policy breach violations and may involve the risk of moderate or reasonable harm, or repeated, more severe or more complex Category 1 allegations.

Category 2 matters may also allege more severe policy breach violations, or complicating factors, having regard to frequency, intensity, number of reported incidents or complaints received, or where the circumstances indicate a reasonable possibility for escalation (and may require referral to law enforcement).

The presence of any **complicating factors** may escalate a matter to a more severe Category. Complicating factors include a real risk of harm, criminality, aggravating factors (as set out in Aggravating and Mitigating Circumstances), an uncooperative Respondent or risk to the sport.

Category 2 matters include (but are not limited to):

FREQUENCY & INTENSITY

- Repeated or more severe Category 1 matters, including the risk of reasonable harm.

MEMBER CODE OF CONDUCT

- Member to member bullying including cyberbullying.
- Mocking a member's appearance or body shape.
- Abuse of position of trust or power.
- Single incident access to change rooms or private areas (known to be used for changing).
- Harassing behaviours, including unwanted sexual interest.
- Inappropriate jokes, including insensitive jokes (race, religion and culture, disability, gender, sex).
- Egregious or severe acts of prohibited conduct (breach of policy), including repeated use of demeaning or bullying language.
- Hazing and degrading initiation, intimidation and harmful conduct.
- Repeated or multiple incidents of harmful coaching techniques or training as punishment.
- Striking or slapping a member.
- or multiple incidents of offensive conduct based on age, race, culture, religion, mental health, intellectual or physical disability.
- Excessive use of punishment and exclusion without sanctions in place (bullying).

CHILD PROTECTION

- Non-compliance with the following Child Safe Practices (aggravated) including:
  - profane or sexual language, or language intended to threaten or frighten.
  - excessive swearing, derogatory or disrespectful comments, chastising a child.
  - Use of training, extra patrols or chores as punishment or ignoring a child expressing pain during SLS Activities.
  - Inappropriate stretching of a member, having regard to their clothing, that exposes a member

OTHER

- Betting by members on Surf sport.
- Inappropriate use of supply of supplements.
- Interfering with, or intimidating, complainants, witnesses.
- Failing to report criminal charges or convictions.
- Breaching the SLSA Sponsorship Policy, specifically athletes not disclosing conflict sponsors to that of SLSA.
- Breaching the SLSA IP Policy, by using SLS IP in a commercial setting and deriving any income.

CATEGORY 3: RED – HIGH

Category 3 (Red) matters may involve criminal behaviour and / or immediate risk of harm, and includes child abuse, sexual abuse and includes sexual misconduct, as well as serious assault, doping and corruption. All matters arising from Policy 6.16 are listed as a Category 3 matter.

Category 3 matters may include more severe Category 1 or 2 allegations where there is the presence of significant complications.

Whether a matter is more severe is determined on the specific circumstances, including the frequency, intensity, number of reported incidents or complaints received.

The presence of any **complicating factors** may escalate a matter to a more severe Category. Complicating factors include a real risk of harm, criminality, **aggravating** factors (as set out in Aggravating and Mitigating Circumstances), an uncooperative Respondent or risk to Surf Life Saving.

Category 3 matters must be reported to law enforcement/child protection, as mandated. Restrictive measures or provisional safety plans may be imposed as appropriate.

Category 3 matters include (but are not limited to):

EGREGIOUS AND CRIMINAL CONDUCT

- Sexual misconduct.
- Touching of genitals, breasts, buttocks (One off tapping of the buttocks as a sign of encouragement or bonding by a member may be more appropriately Categorised differently, depending on the circumstances).
- Child abuse.
- Exposing the child/young person to age inappropriate or harmful material, or behaviours.
- Criminal charges or convictions (Policy 6.16).
- Failing to report child abuse or sexual misconduct.
- Serious assaults including striking or punching.
- Repeated or multiple incidents of serious homophobic or misogynistic comments and behaviours which impact bother members or the public.
- Supplying alcohol or drugs to a minor.
- Use, possession or trafficking of illegal drugs.

DOPING & MATCH FIXING AND CORRUPTION

- Doping.
- Supplying medicines or over the counter medicines except where permitted by law and with the consent of a parent.
- Match, race or competition fixing, or supplying inside information for the purposes of gambling.

OTHER

- Bringing SLS into disrepute at a national level.
- Non-adherence to the SLSA IT Terms of Use Policy (i.e., extracting data from Surfguard without permission).
- Activities resulting in a Data Breach.

AGGRAVATING AND MITIGATING CIRCUMSTANCES

The following guiding principles are intended to outline the aggravating and mitigating circumstances that should be taken into account when evaluating and assessing a matter under the Case Categorisation System and before determining the appropriate response.

The relative level of aggravating and mitigating circumstances may impact on the ultimate re-categorisation of a matter as well as the appropriate sanction (if any).

In addition to aggravating or mitigating circumstances, there may be other factors to consider that increase the relative complexity of a matter.

Aggravating circumstances include consideration of:

- The presence of criminality, including sexual abuse.
- Actual or threatened use of violence.
- Breach was committed in the presence of a child under 18 years of age.
- Victim's vulnerability, for example, because the victim was very young or very old or had a disability, or because of the geographical isolation of the victim.
- Behaviour that is malicious, or targets vulnerable people.
- Behaviour that is coordinated or operating as part of a group.
- Behaviour that targets multiple parties or results in multiple victims.
- Breach motivated by race, religion, ethnicity, nationality, sexual identity, disability, gender.
- Gratuitous cruelty.
- Injury, emotional harm, loss or damage was substantial, including the level of embarrassment, distress or humiliation by the victim.
- Previously similar conduct or related breaches, previous sanctions.
- Failure to comply with provisional action.
- Breach whilst on probation or a sanction.
- Ongoing and sustained offending over a period of time.
- Abuse of position of power or trust.
- Attempting or disposing of evidence.
- Lack of cooperation.
- The breach was premeditated (rather than spur of the moment).
- The Respondent has previously undertaken education in relation to the particular type of conduct.

Mitigating circumstances include consideration of:

- First time breach.
- Unplanned, spur of the moment behaviour.
- Youth and age of the person breaching.
- Limited role played in the breach.
- The Respondent had taken reasonable steps, prior to commencing an Assessment, to settle the disagreement or dispute.
- The Respondent was not fully aware of the consequences of his or her actions because of the Respondent's age or any disability.
- Accepting responsibility and level of
- Remorse / contrition.
- Level of cooperation.
- Harm suffered by the victim or the sport was not substantial
- The presence of provocation, persuasion, or coercion by others.
- Mental illness.
- Risk of loss of employment.
- Whether the prohibited behaviour was uncharacteristic including
    - the length of service, balancing a previously unblemished record against the expectation of greater awareness of behavioural requirements,
    - whether there are records of previous counselling or breaches of SLSA Policies about related issues,
    - the extent to which there is evidence that the behaviour is atypical – to assess this, the behaviour over a longer period may need to be examined e.g. any records of discussion with the individual within the last two years. Relevance of previous behaviour diminishes over time,
    - the individual's attempts to manage any external personal issues impacting on the conduct, such as accessing welfare help.

SANCTIONS AND RELATED MEASURES

The following principles are intended to serve as a minimum standard for providing guidance to Surf Life Saving clubs when sanctions and other measures may be appropriate to address allegations of Policy Breach under the Complaints Resolution Policy.

The purpose is to provide SLS Entities an appropriate range of sanctions and related measures that may be applicable in a particular type of integrity matter as part of assisting SLS Entities to develop and manage a robust integrity framework. SLSA and State Centres may also provide advice to clubs in individual cases as to whether particular conduct fits within the range of measures set out in this guidance.

SLS Entities are ultimately responsible for applying and administrating sanctions and related measures as they see fit, having regard to, amongst other things, SLSA and State Centres guidance.

SANCTIONS

Rather than seeking to punish, sanctioning misconduct is primarily aimed at protecting an individual from harm with a secondary aim of protecting the integrity of sport. Sanctions are also designed to provide a clear message that the behaviour was unacceptable, thereby acting as a deterrent.

The decision about whether to apply a sanction needs to be considered carefully on the facts and context of each case having regard to the following:

- the seriousness of the conduct
- whether it was a one-off incident or a part of an overall pattern of behaviour
- whether it was an honest and reasonable mistake
- the potential impact on public confidence in the integrity of the sport
- the views, if any, of the Complainant (for example, merely seeks an apology).

Aggravating and Mitigating circumstances (as set out in Aggravating and Mitigating Circumstances) should be taken into account before determining the appropriate sanctions, if any. Aggravating circumstances refers to the factors particular to a breach, the victim or the offending party that increase the severity or culpability.

For example, whether a person acted maliciously, or made an honest and reasonable mistake.

As a general rule, the more serious the alleged behaviour, the more appropriate it is to use sanctions.

RANGE OF SANCTIONS AND RELATED MEASURES

include one or a combination of any of the following:

Category 1 Breaches

The following range of measures may be appropriate:

- Awareness of Policies.
- Mandatory awareness and education requirements.
- Formal Warning and / or Reprimand.
- Requiring an apology.

Category 2 Breaches

The following range of sanctions could be considered (in conjunction with Category 1 measures):

- Formal conciliation or mediation.
- Counselling.
- Restricted duties or access.
- Supervision and mandatory oversight.
- Mandatory education and programs.
- Temporary suspension from relevant event / entity / club.

Category 3 Breaches

The following range of sanctions could be considered:

- Formal and mandatory awareness and education requirements.
- Formal Reprimand.
- Requiring an apology.
- Formal conciliation or mediation.
- Counselling.
- Role change / restricted duties or access.
- Supervision and mandatory oversight.
- Mandatory education and programs.
- Withdrawal of accreditation from the relevant sporting event.
- Return of awards.
- Temporary suspension from relevant event / entity / club.
- Expulsion from the event / entity / club.

More than one sanction or measure may apply in any given circumstance.

PROVISIONAL ACTION

Provisional Action is the process undertaken to impose a temporary measure on a member while they are subject to the Complaints Process, or an investigation by law enforcement. Provisional Action is designed to keep members safe by removing or monitoring a person within the Sport who may pose a potential risk of harm to others. The following principles should be considered when determining what type of Provisional Action may be appropriate:

- The type of Provisional Action recommended should be sufficient to mitigate the potential risk posed by the Respondent but should not be punitive; and
- The type of Provisional Action should not be more significant than a possible sanction may be, should the alleged policy breach be Substantiated.

Provisional Action should be determined on a case-by-case basis. The categorisation of a matter within the Case Categorisation System and the sanctioning principles provide guidance as to the types of Provisional Action that may be suitable.

ALTERNATIVES TO SANCTIONS (OTHER MEASURES)

Options available to address allegations of policy breach through means other than breach proceedings and / or sanctions include:

- through SLSA's own code of conduct.
- by encouraging awareness training for the individual.
- by informal counselling.
- by assigning new roles duties, although due care should be taken to ensure this action does not amount to a sanction without due process.
- by offering informal and formal alternative dispute resolution to assist in resolving interpersonal disputes.

Alternative measures may not satisfactorily resolve concerns about an individual's conduct and the individual may continue to engage in misconduct. It may therefore be necessary to administer more severe sanctions – even in relation to less severe matters – particularly where there are concerns that a pattern of misconduct may be emerging.

PROPORTIONALITY

The application of sanctions and other measures must always adhere to due process, thereby enabling Respondents to be heard before sanctions are applied.

Sanctions and other measures must be applied in accordance with the principle of proportionality – that is, in proportion to the severity of the violation(s) in any given matter. This will include taking into account any aggravating and mitigating circumstances (see earlier).

IMPLEMENTATION AND MONITORING

It is the responsibility of SLS Entities to implement and apply the Complaints Resolution Policy, including effecting sanctions where applicable.

SLS Entities should adopt appropriate mechanisms, such as awareness and educational programs, to best facilitate an understanding of the Complaints Resolution Policy within SLS. This should include providing, information on the Integrity Policies, and information on how to raise concerns about alleged breaches of policies.

PROCESS & PROCEDURES

INVESTIGATION PROCEDURE - INTERNAL & EXTERNAL

INTERPRETATION

1. In this Process:
   Investigator means the person (whether internal or external) appointed by the Complaints Manager to conduct the Investigation under clause 7.5 of the Complaint Resolution Policy.
   Investigation means the investigation undertaking by the Investigator in accordance with this Schedule.
2. Defined terms not otherwise defined in this Process have the meaning given to them in the Policy.

TERMS OF REFERENCE

3. The Complaints Manager may provide a written brief to the Investigator to ensure that the terms of engagement and scope of the Investigator's role and responsibilities are clear.
4. If provided the written brief may be in a form similar or identical to that contained in this Process but should provide for the matters referred to in paragraphs 6 to 15 below.
5. For the avoidance of doubt, if the Complaints Manager is the Investigator for an Internal Investigation, no written brief is required under this Schedule.

INVESTIGATION

6. The Complainant should be interviewed by the Investigator (either by telephone, video conference or in person). The Complaint and any key information arising from the interview(s) should be documented in writing by the Investigator. The Complainant is entitled to have a support person present during any interview that takes place, subject to the support person being someone who has never been admitted to practice as a lawyer or barrister. If the Complainant refuses to be interviewed, the Investigator must afford the Complainant the opportunity to provide submissions and supporting evidence to the Investigator.
7. Details of the Complaint should be conveyed to the Respondent(s). The Respondent(s) should be given sufficient information to enable them to properly respond to the Complaint.
8. The Respondent(s) should be interviewed by the Investigator (either by telephone, video conference or in person) and given the opportunity by the Investigator to respond to the allegations. The Respondent is entitled to have a support person present during any interview that takes place, subject to the support person being someone who has never been admitted to practise as a lawyer or barrister. If the Respondent refuses to be interviewed, the Investigator must afford the Respondent the opportunity to provide submissions and supporting evidence to the Investigator.
9. The Respondent(s)'s response to the Complaint should be documented in writing by the Investigator.
10. If, in the process of the Investigation, there continues to be a dispute regarding the facts, then statements from witnesses and other relevant evidence should be obtained where available by the Investigator to assist in reaching conclusions and preparation of a report.
11. The Investigator must make a finding, based on the Standard of Proof, as to whether the Complaint, or each of the allegations in the Complaint (as appropriate) is:
    (a) substantiated (there is sufficient evidence to support the Complaint based on the Standard of Proof);
    (b) inconclusive (there is insufficient evidence either way);
    (c) unsubstantiated (there is sufficient evidence to show that the Complaint is unfounded, or not enough evidence to substantiate the Complaint, based on the Standard of Proof); or
    (d) mischievous, vexatious or knowingly untrue.
12. The Investigator must prepare a draft report documenting the Complaint, the Investigation process, evidence and finding(s) (Draft Report). The Investigator must:
    (a) provide the Respondent and Complainant with a copy of the Draft Report; and
    (b) afford the Respondent and the Complainant with the opportunity to provide further submissions in response to, or arising from, the Draft Report;
13. The Investigator may amend the Draft Report after considering any further submissions lodged by the Respondent under paragraph 12.
14. A final report documenting the Complaint, the investigation process, evidence and finding(s), should then be given to the Complaints Manager, who will use the information to make a decision on the course of action as per clause 7.5(c) of the Policy.
15. No Investigation shall be invalidated by any irregularity in the appointment of an Investigator or by any irregularity of the Investigator in applying the process under this schedule.
16. No decision, act or omission of the Investigator shall be invalid merely because of a failure to comply with the procedure in this schedule or any other irregularity in the procedure in this schedule unless a person suffers substantial prejudice as a result of that failure to comply or other irregularity in procedure.

HEARING TRIBUNAL (JUDICIA RY) PROCEDURE

INTERPRETATION

1. In this Process:

   Chair means the chair of a particular Judiciary under this Process.

   Judiciary Member means an individual person sitting on a Judiciary.

   SLS Member means a person who currently, or within the previous five years, is or has been, actively involved in SLS in whatever capacity.

2. Defined terms not otherwise defined in this Process have the meaning given to them in the Policy.

3. All clause references refer to this Schedule unless otherwise provided.

CONVENING JUDICIARY

4. As required under clause 8.7 of the Policy, the Complaints Manager will convene a Judiciary under this Schedule.

5. The Judiciary shall convene as soon as reasonably practicable and shall endeavour to convene no later than two weeks after notification by the Complaints Manager.

6. Upon a referral to a Judiciary Committee the Complaints Manager shall, as soon as practicable, appoint a time and place suitable to the Judiciary Committee for the proceedings and may appoint an investigator to inquire into the referral.

7. A Judiciary Committee will use its best endeavours to consider any referral made to it within such time as the Board, State Centre, Branch or Club directs, provided always that a concerned person may apply for an adjournment by application in writing to the Complaints Manager. Such application must be received at least two (2) days prior to commencement of proceedings.

8. A Judiciary Committee shall have power to require the attendance of any member at any proceedings before it. Notice shall be given in accordance with the SLS Regulations. A member who, is required, but fails or refuses, to attend proceedings without legitimate excuse may themselves be subject to disciplinary proceedings.

9. The referring authority shall decide the quorum for a Judiciary Committee. If this is not decided a quorum for a Judiciary Committee shall be two (2).

10. Should an investigator have been appointed, the chairperson of the Judiciary Committee should in conjunction with the investigator determine if the matter should proceed. If it is determined that the matter should not proceed that is the end of the matter and there is no appeal from that determination.

COMPOSITION OF JUDICIARY

11. Subject to clause 13 below, each Judiciary shall:

    (a) comprise three Judiciary Members selected by the Complaints Manager at least one of whom must be a SLS Member; and

    (b) be chaired by the Chair, who shall be appointed by the Complaints Manager and shall be a person of experience and skills suitable to the function of chairing a Judiciary.

12. The Complaints Manager shall use reasonable endeavours to ensure that the Judiciary Members selected for any particular Judiciary do not have any:

    (a) actual or perceived conflict of interest in relation to the Complaint that might reasonably call into question the impartiality of the Judiciary; and

    (b) close personal connection to the parties before, or the matters being considered by, the Judiciary.

13. Should a Judiciary Member become unable to sit on a Judiciary following the convening of the Judiciary for whatever reason, the Complaints Manager shall appoint a replacement Judiciary Member having regard to the requirements of clause 6(a) of this Schedule..

14. Should a Respondent or Complainant challenge the impartiality of any one or more Judiciary Member, the challenge will be determined by the Chair sitting alone, unless that challenge relates to the Chair in which case it will be determined by:

    (a) the Complaints Manager; or

    (b) if the Complaints Manager is unavailable or unable to act, the other members of the Judiciary.

15. There is no right of appeal from a decision made under clause 14 above.

16. No Judiciary decision shall be invalidated by any irregularity in the appointment of a Judiciary Member.

RESPONSIBILITIES OF CHAIR

17. Without limiting any other duties of the Chair set out under this Process, the person appointed as Chair of the Judiciary shall:

    (a) chair hearings of the Judiciary;

    (b) ensure accurate records are kept of all of the Judiciary's proceedings and decisions, including at a minimum:

        (i) particulars of the hearing, including date, time and location;

        (ii) the names of each Judiciary Member, Complainant, Respondent, witnesses called, and any other parties permitted to attend by the Judiciary;

        (iii) the decision of the Judiciary, including any Sanction imposed, whether given to the parties orally, in writing or a combination of both, and the date(s) of communication; and

    (c) communicate to all parties of a Judiciary the results of such Judiciary and provide a copy of the record of result to the Complaints Manager within seven (7) days of the hearing.

NOTICE

18. Proceedings should take place as soon as practicable. At least seven (7) days' notice of the proceedings should be given by the Judiciary Committee to all relevant parties. The notice shall:

    (a) Be in writing;

    (b) State that the party or parties concerned are required to appear and in what capacity; and

    (c) State the nature of the proceedings and the matters or alleged offence(s), the subject of investigation or determination, the possible penalty or penalties and the date, place and time of the hearing;

ATTENDANCE AT JUDICIARY

19. The following persons must attend the Judiciary hearing conducted under this Schedule:

    (a) the Respondent;

    (b) the Complainant; and

    (c) the Relevant Organisation.

The Relevant Organisation is to be a party to the proceedings for the purpose of presenting the matter and alleged breach.

20. The following persons must attend a Judiciary hearing if required by the Judiciary or the Complainant, or the Respondent:

    (a) witnesses called to give evidence by a Respondent;

    (b) witnesses called to give evidence by the Complainant;

    (c) any person that the Chair in their absolute discretion believes will assist the Judiciary and invites to attend the Judiciary for that purpose; and

    (d) where the Respondent, the Complainant or a witness is under the age of 18 years or is a vulnerable person, an adult adviser, who will, in the absence of unavailability or other extraordinary circumstance, be expected to be such person's parent or guardian.

21. Legal Practitioners are expressly prohibited and not permitted to appear before, or represent any party at the Judiciary, unless they are the Complainant or Respondent. This clause does not prohibit a party seeking legal advice in relation to a Complaint or engaging a Legal Practitioner to prepare materials to be used by that party at the Judiciary.

22. Each party to the Judiciary shall bear their own costs.

NON-ATTENDANCE

23. If any party (or representative of a party which is an organisation) fails to attend the Judiciary hearing without reasonable cause, the hearing may proceed, any inferences from such non-attendance may be drawn and a determination may be made by the Judiciary in the absence of the Respondent or Complainant, provided the Judiciary is satisfied that this Process has been complied with.

24. A Respondent or Complainant may apply to the Chair to have a Judiciary hearing:

    (a) adjourned; or

    (b) convened in another way (e.g., video link or teleconference),

if there are compelling circumstances that warrant such steps being taken to avoid costs, hardship or significant inconvenience to one or more parties. The Judiciary has sole discretion on whether or not to grant the application.

PROCEDURE OF JUDICIARY

25. The rules of evidence do not apply to any hearing conducted under this Process. The Judiciary shall conduct the hearing in such manner as it sees fit and may in its absolute discretion:

    (a) convene and conduct the hearing by way of video or teleconference if the circumstances warrant;

    (b) consider any evidence, and in any form that it deems relevant;

    (c) question any person giving evidence;

    (d) limit the number of witnesses presented to those who provide any new evidence; and

    (e) act in an inquisitorial manner in order to establish the truth of any issue/matter before it.

26. Without limiting the Judiciary's power to regulate its own procedure as it sees fit, the Judiciary may ordinarily proceed in accordance with the following steps:

    (a) At the commencement of a hearing, the Chair will identify the Judiciary Members and determine whether the Respondent is present to answer the allegation(s) in the Complaint.

    (b) The Respondent and the Complainant will be notified of their right to remain in the hearing until all evidence is presented but not to be present while the Judiciary considers its findings and determines an appropriate Sanction (if any).

    (c) The Chair shall advise all those persons present of the method of recording the hearing (if any).

    (d) The allegation(s) as contained in the Complaint shall be read out in the presence of all persons eligible to be present.

    (e) The Respondent shall be asked whether or not they intend to contest the allegation(s).

    (f) If the Respondent does not contest the allegation(s), the Chair will provide the Complainant and the Respondent with an opportunity to make submissions as to the appropriate Sanction (if any) to be imposed. In such circumstances, the Complainant and/or the Respondent may, if they wish, call witnesses to give evidence regarding the seriousness or otherwise of the breach, and any other mitigating or aggravating factors.

    g) If the Respondent contests the allegation(s), then the Chair will ask all witnesses except the Complainant and the Respondent to leave the room and to wait to be called to give their evidence.

    (h) The Complainant shall give evidence and the witnesses (if any) called by the Complainant(s) shall be called upon to give their evidence in turn, subject to the approval of the number of witnesses to be called by the Judiciary in its discretion. The Respondent (or, if they are a minor his/her adviser) may ask questions of the Complainant or any witness called.

    (i) Each witness shall be entitled to leave the Judiciary hearing after giving evidence unless otherwise directed by the Judiciary. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Judiciary.

    (j) The Respondent shall then present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Judiciary in its discretion. Complainants or the adviser to a Complainant who is a minor may ask questions of the Respondent or any witness called.

    (k) Where a person under the age of 18 exercises his/her right to have an adult observer or adviser present in accordance with this Process, a reasonable opportunity for consultation between the minor and the adviser shall be provided by the Judiciary.

    (l) Where the Respondent makes video evidence available to the Judiciary, it may, at the discretion of the Judiciary, e presented to the Judiciary and may be viewed by the Judiciary. The onus of providing suitable viewing equipment shall lie with the person requesting that the evidence be presented.

    (m) The Judiciary may, so as to limit inconvenience to witnesses, allow evidence to be given by telephone or videoconference.

27. At the conclusion of all of the evidence and submissions the Chair shall ask the Respondent, the Complainant and all other persons present to leave the hearing room while the Judiciary considers its findings.

28. If the Judiciary is satisfied that a breach of a Relevant Policy has been proven applying the Standard of Proof, it shall find the breach proven. Otherwise, the alleged breach and therefore Complaint shall be dismissed.

29. If the Judiciary is not satisfied that the particular alleged breach has been proven but is satisfied that a lesser or some other breach of a Relevant Policy has been proven, then the Judiciary may find such lesser breach proved.

30. Where it appears to the Judiciary that the Complainant has made an error in making the allegation of a breach of a Relevant Policy, or omitted alleged breaches that should have been made, the Judiciary may amend the allegation(s), subject always to the requirement that the Respondent must be informed of the new allegations and given an opportunity to respond to such allegations.

31. The decision of the Judiciary shall be given by the Chair in the presence of both the Respondent and Complainant, unless one or both choose not to remain. If:

    (a) one of the Respondent or Complainant are not present, the Chair may give the decision orally, and must communicate the decision to the non-attending party in writing as soon as practicable; or

    (b) neither the Respondent nor Complainant are present, the Chair must communicate the decision to each of the Respondent and Complainant in writing as soon as practicable.

32. The Judiciary may reserve its decision but if it does so, it must provide its decision within 14 days of the hearing.

33. The Judiciary is not obliged to give oral or written reasons for any decision made by it under this Process but may do so if it wishes.

34. Where the Judiciary finds that one or more alleged breaches of a Relevant Policy have been proven, it shall inform the parties of its decision and provide the Complainant and the Respondent with an opportunity to make submissions as to any aggravating or mitigating factors, before the Judiciary decides on Sanction. The Judiciary may, in its absolute discretion, decide that it is appropriate to:

    (a) receive oral submissions as to Sanction immediately after delivering its decision on liability; or

    (b) adjourn the hearing to allow the parties to make Sanction submissions on some later date, in which case, the Judiciary shall direct whether submissions on penalty should be made orally or in writing.

35. After considering the parties' submissions as to Sanction, the Judiciary shall determine the Sanction to be imposed (if any) in accordance with clause 8.3 of the Policy and shall advise the Respondent and Complainant of the Sanction. The Chair shall also notify the Complaints Manager of the decision of the Judiciary.

APPEALS TRIBUNAL PROCEDURE

INTERPRETATION

1. In this Process:

   Appeal Tribunal Member means an individual person sitting on an Appeal Tribunal.

   Appellant means a person who is granted leave to appeal.

   Chair means the chair of the Appeals Tribunal under this Process.

   SLS Member means a person who currently, or within the previous five years, is or has been, actively involved in SLS in whatever capacity.

2. Defined terms not otherwise defined in this Processhave the meaning given to them in the Policy.

3. All clause references refer to this Process unless otherwise provided.

CONVENING AN APPEAL TRIBUNAL

4. As required under clause 8.8 of the Policy, an Appeals Tribunal will convene under this Process. Subject to the Policy it is noted that the NST may be the Appeals Tribunal.

5. If it is determined by the Complaints Manager who receives the Appeal under clause 8.3 of the Policy that (in the Complaint's Manager's absolute discretion) there are valid Grounds of Appeal, then the Complaints Manager will (at the Complaints Manager's absolute discretion):

   (a) direct the original SLS Entity that heard the matter to convene an Appeals Tribunal to hear the Appeal; or

   (b) convene an Appeals Tribunal to hear the Appeal.

   If the Complaints Manager determines there is no valid Ground of Appeal the appeal shall be dismissed. There is no right of appeal from a determination made by the Complaints Manager under this clause.

6. The Appeals Tribunal shall be convened as soon as reasonably practicable and shall endeavour to convene no later than two weeks after the Complaints Manager determines that the matter has met the Grounds of Appeal.

COMPOSITION OF APPEALS TRIBUNAL

7. Subject to clause 8 below, each Appeals Tribunal shall:

   (a) comprise three Members selected by the SLS Entity hearing the Appeal and comprise of at least one of whom must be a SLS Member; and

   (b) be chaired by the Chair, who shall be appointed by the SLS Entity hearing the appeal and shall be a person of experience and skills suitable to the function of chairing an Appeals Tribunal; and

   (c) none of whom sat on or was involved in the original Hearings Tribunal for the Alleged Breach subject of the appeal.

8. The Complaints Manager shall use reasonable endeavours to ensure that the Appeals Tribunal Members selected for any particular Appeals Tribunal do not have any:

   (a) actual or perceived conflict of interest in relation to the Appeal that might reasonably call into question the impartiality of the Appeals Tribunal;

   (b) close personal connection to the parties before, or the matters being considered by, the Appeals Tribunal; and were not involved in the Judiciary Process of the original complaint.

9. Should an Appeals Tribunal Member become unable to sit on an Appeals Tribunal following the convening of the Appeals Tribunal for whatever reason, the Complaints Manager shall appoint a replacement Appeals Tribunal Member having regard to the requirements of clause 7 of this Process.

10. Should a Respondent or Complainant challenge the impartiality of any one or more Appeals Tribunal Member(s), the challenge will be determined by the Chair sitting alone, unless that challenge relates to the Chair in which case it will be determined by:

    (a) the Complaints Manager; or

    (b) if the Complaints Manager is unavailable or unable to act, the other members of the Appeals Tribunal.

11. There is no right of appeal from a decision made under clause 10 above.

12. No Appeals Tribunal decision shall be invalidated by any irregularity in the appointment of an Appeal Tribunal Member.

RESPONSIBILITIES OF CHAIR

13. Without limiting any other duties of the Chair set out under this Process, the person appointed as Chair of the Appeals Tribunal shall:

    (a) chair hearings of the Appeals Tribunal;

    (b) ensure accurate records are kept of all of the Appeals Tribunals proceedings and decisions, including at a minimum:

       i. particulars of the hearing, including date, time and location;

       ii. the names of each Appeals Tribunal Member, Appellant, the original SLS Entity who heard the matter (SLS Entity Respondent), witnesses called, and any other parties permitted to attend by the Appeals Tribunal;

       iii. the decision of the Appeals Tribunal, whether given to the parties orally, in writing or a combination of both, and the date(s) of communication.;

    (c) ensure that the hearing is conducted in accordance with the principles of procedural fairness; and

    (d) communicate to all parties of an Appeals Tribunal the results of such Appeals Tribunal and provide a copy of the record of result to the Complaints Manager within seven days of the hearing.

14. The Appeals Tribunal must limit its hearing to consideration of matters based on valid Ground(s) of Appeal as outlined in the Complaints Resolution Policy. If the Chair determines there are no valid Grounds of Appeal the appeal shall be dismissed. There is no right of appeal from a determination made by the Chair under this clause.

PROCEDURE OF APPEALS TRIBUNAL

15. The rules of evidence do not apply to any hearing conducted under this Process. The Appeals Tribunal shall conduct the appeal in such manner as it sees fit and may in its absolute discretion:

    (a) consider any evidence, and in any form that it deems relevant;

    (b) question any person giving evidence;

    (c) limit the number of witnesses presented to those who provide any new evidence; and

    (d) act in an inquisitorial manner in order to establish the truth of any issue/matter before it.

16. Without limiting the Appeals Tribunal's power to regulate its own procedure as it sees fit, the Appeals Tribunal may ordinarily proceed in accordance with the following steps:

    (a) At the commencement of the Appeal, the Chair will identify the Appeals Tribunal Members and determine whether the Appellant is present.

    (b) The Appellant will be notified of their right to remain in the hearing until all evidence is presented but not to be present while the Appeals Tribunal considers its findings.

    (c) The Chair shall advise all those persons present of the method of recording the hearing (if any).

    (d) The Grounds of Appeal as accepted and contained in the Notice of Appeal shall be read out in the presence of all persons eligible to be present.

    (e) During the Appeal, the Chair will ask all witnesses except the Appellant SLS Entity Respondent to leave the room and to wait to be called to give their evidence.

    (f) The Appellant shall give evidence and the witnesses (if any) called by the Appellant(s) shall be called upon to give their evidence in turn, subject to the approval of the number of witnesses to be called by the Appeals Tribunal in its discretion. The SLS Entity Respondent may ask questions of the Appellant, or any witness called.

    (g) Each witness shall be entitled to leave the Appeals Tribunal after giving evidence unless otherwise directed by the Appeals Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Appeals Tribunal.

    (h) The SLS Entity Respondent shall then present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Appeals Tribunal in its discretion. An Appellant or the adviser to an Appellant who is a minor may ask questions of the SLS Entity Respondent or any witness called.

    (i) Where a person under the age of 18 exercises their right to have an adult observer or adviser present in accordance with this Process, a reasonable opportunity for consultation between the minor and the adviser shall be provided by the Appeals Tribunal.

(j) Where the SLS Entity Respondent makes video evidence available to the Appeals Tribunal, it may, at the discretion of the Appeals Tribunal, be presented to the Appeals Tribunal and may be viewed by the Appeals Tribunal. The onus of providing suitable viewing equipment shall lie with the person requesting that the evidence be presented.

(k) The Appeals Tribunal may, so as to limit inconvenience to witnesses, allow evidence to be given by telephone or videoconference.

17. At the conclusion of all of the evidence and submissions the Chair shall ask the SLS Entity Respondent, the Appellant and all other persons present to leave the hearing room while the Appeals Tribunal considers its findings.

18. If the Appeals Tribunal determines that the required standard of proof and any Ground of Appeal is upheld, it will refer the matter back to the original SLS Entity to be reheard in accordance with this Policy.

19. If the Appeals Tribunal determines that no Ground of Appeal has been upheld, it will dismiss the Appeal.

20. An Appeals Tribunal has the power to:

(a) dismiss the appeal;

(b) uphold the appeal;

(c) impose any of the Sanctions set out in the Complaints Resolution Policy; or

(d) reduce, increase, or otherwise vary any Sanction imposed by the Hearing Tribunal under the Complaints Resolution Policy; in accordance with the Complaints Resolution Policy but otherwise in such manner as it thinks fit.

21. The decision of the Appeals Tribunal shall be given by the Chair in the presence of both the SLS Entity Respondent and Appellant, unless one or both choose not to remain. If:

(a) one of the SLS Entity Respondent or Appellant are not present, the Chair may give the decision orally, and must communicate the decision to the non-attending party in writing as soon as practicable; or

(b) neither the SLS Entity Respondent nor Appellant are present, the Chair must communicate the decision to each of the SLS Entity Respondent and Appellant in writing as soon as practicable.

22. The Appeals Tribunal may reserve its decision but if it does so, it must provide its decision within 14 days of the hearing.

23 The Appeals Tribunal, may give oral and/or written reasons for decisions made under this Procedure

Internal Use Only		
Name of person receiving Complaint:		Date Complaint Form Received: / /
How was the Complaint received:		
Complainant to Complete		
Name of Complainant:		
	☐ Over 18 ☐ Under 18	
Complainant's contact details:	Mobile: Email:	
Complainant's role/position within SLS Entity:	☐ SLS Member ☐ Administrator (volunteer) ☐ Employee (paid) ☐ Other:.....	
Name of person(s) complained about (Respondent(s)):		
	☐ Over 18 ☐ Under 18	
Respondent(s)'s role/position:	☐ SLS Member ☐ Administrator (volunteer) ☐ Employee (paid) ☐ Other:.....	
Location(s) of alleged breach(es) by Respondent(s):		
Description of alleged breaches by Respondent(es): Please provide as much information as possible (attach additional information if necessary)		
Level of the SLS at which alleged breach(es) occurred:	☐ Club level where they relate to behaviour, an incident or circumstances that occurred at or involve persons operating at the Club level. ☐ Branch level where they relate to behaviour, an incident or circumstances that occurred at or involve persons operating at the Branch level; ☐ State Centre level where they relate to behaviour, an incident or circumstances that occurred at or involve persons operating at the State Centre level; or; ☐ National level where they relate to behaviour, an incident or circumstances that occurred at or involve persons operating at National level.	
Eligible policy or policies of SLS that Respondent has allegedly breached, including sections allegedly breached:		
Does Complainant consent to Mediation is a potential resolution?	☐ Yes ☐ No	
Signed by Complainant or appointed person if under 18:	Signature:	Date:
If the Complainant is under 18, provide the name and relationship of appointed person who signed on Complainant's behalf:	Name: Relationship (parent/guardian): Contact number: Contact email:	

APPLICATION FOR APPEAL

Appellant to Complete		
Name of Appellant:		
	☐ Over 18 ☐ Under 18	
Appellant contact details:	Mobile: Email:	
Appellant role/position within SLS Entity:	☐ SLS Member ☐ Administrator (volunteer) ☐ Employee (paid) ☐ Other:.....	
Grounds of appeal:	☐ the person/Judiciary demonstrated actual bias in arriving at the decision; and/or ☐ the decision was contrary to law; and/or ☐ no reasonable decision maker in the position of the relevant person/Judiciary, based on the material before them, could reasonably make such a decision.	
Who was the SLS Entity that made the decision that you want to appeal?	☐ Club ☐ Branch ☐ State ☐ National	
	Name of SLS Entity	
When was the initial decision that you want to appeal, made?		
Are you appealing all or part of the decision?	☐ All of the decision	☐ Part of the decision
What are your reasons for appealing this decision? *Refer to Clause 8.8 of the Policy.*		
Signed by Appellant or appointed person if under 18:	Signature: Date:	
If the Appellant is under 18, provide the name and relationship of appointed person who signed on Appellant's behalf:	Name: Relationship (parent/guardian): Contact number: Contact email:	

RECORD OF COMPLAINT

Name of Complaints Manager:		☐ Complaint Form attached
Process chosen to resolve Complaint:		
Was Provisional Action taken? If so, what?	☐ Yes ☐ No	
Date Complaint Form received:		
Date Chosen Process undertaken:		
Investigation undertaken:	Type of Investigation: ☐ Internal ☐ External Name of investigator and date appointed: Date investigator's report received: Date Complaint & investigator's findings referred to Complaint Manager:	
If Mediation:	Date of referral to Mediation: Date of Mediation: Complaint resolved at Mediation: ☐ Yes ☐ No If no, alternative Process chosen: If Yes, please detail:	
If Minor Breach Procedure:	Date letter sent to Respondent: Any further comments:	
If Judiciary:	Date Complaint referred to Judiciary: Date of Judiciary hearing: Decision of Judiciary: Date parties notified:	
Completed by:	Name: Position: Signed: Date:	

LETTER – OFFER OF MEDIATION

[**date**]

[**insert name**]
[**address line 1**]
[**address line 2**]

By email: [**insert email address**]

Dear, [**insert name**]

SLS COMPLAINTS RESOLUTION POLICY – OFFER OF MEDIATION

1. [**Insert SLS Entity**] has received a formal complaint under its Complaints Resolution Policy (Policy) alleging that there has been a breach a Relevant Policy of SLS, as outlined below. A copy of the Policy is available at [**insert link**].
2. The Complaints Manager under the Policy has determined that mediation should be offered as the chosen process under clause 7.6, in the Policy.
3. The Complaint was lodged by [**insert name**] and received by SLS on [**insert date**].
4. It is alleged in the Complaint that:
    (a) [**insert details of alleged conduct and insert specific sections of eligible policies allegedly breached**]
5. Please notify the Complaints Manager if you are willing to attend Mediation or if you decline the offer within [**XX**] days.
6. [**Insert SLS Entity**] reserves its rights in relation to any separate or future allegations or complaints that you have breached a Relevant Policy of SLS. Note that declining mediation does not resolve the complaint and that the Complaints Manager may choose another Process to resolve the Complaint under the Policy.
7. The Complaints Manager can be contacted by telephone on [**insert mobile number**] or by email at [**insert email**].

Yours faithfully

[**insert signatory**]

LETTER – MINOR BREACH NOTIFICATION

[**date**]

[**insert name**]
[**address line 1**]
[**address line 2**]

By email: [**insert email address**]

Dear, [**insert name**]

SLS COMPLAINT RESOLUTION POLICY – MINOR BREACH NOTIFICATION

Referral

1. [**Relevant Organisation**] has received a formal complaint under its Complaint Resolution Policy (Policy) alleging that you have breached a Relevant Policy of SLS, as outlined below (Allegations). A copy of the Policy is available at [**insert link**].
2. The Complaints Manager under clause 8.4(a)(ii)(A) of the Policy has investigated the Complaint and that without finding the breach to be proven, has determined that the allegations outlined below would constitute a breach of the Eligible Policy, if proven and you are therefore being issued with a Minor Beach Notice.

Allegations

3. The Complaint was lodged by [**insert name**] and received by [**Relevant Organisation**] on [**insert date**].
4. It is alleged in the Complaint that you:
    a) [**insert details of alleged conduct**]
5. As a result of the above allegations, it is alleged that you have consequently breached the following eligible policies of SLS:
    (a) [**insert specific sections of eligible policies allegedly breached**]

Warning

6. Without determining whether the allegations in the Complaint are correct, or that the Complaint is proven, you are formally warned that the allegations, if proven, would constitute a breach of a Relevant Policy or policies.
7. [**Relevant Organisation**] reserves its rights in relation to any separate or future allegations or complaints that you have breached a Relevant Policy of SLS.
8. If you have any questions in relation to this letter or wish to respond to the allegations, the Complaints Manager can be contacted by telephone on [**insert mobile number**] or by email at [**insert email**].

Yours faithfully

[**insert signatory**]

LETTER – BREACH NOTIFICATION

[**date**]

[**insert name**]
[**address line 1**]
[**address line 2**]

By email: [**insert email address**]

Dear, [**insert name**]

SLS COMPLAINT RESOLUTION POLICY – BREACH NOTIFICATION

Referral

1. [**Relevant Organisation**] has received a formal complaint under its Complaint Resolution Policy (Policy) alleging that you have breached a Relevant Policy of SLS, as outlined below (Allegations). A copy of the Policy is available at [**insert link**].

Allegations

2. The Complaint was lodged by [**insert name**] and received by **SLS** on [**insert date**]

3. It is alleged in the Complaint that you:
   (a) [**insert alleged conduct**]; and

4. As a result of the above allegations, it is alleged that you have consequently breached the following eligible policies of SLS:
   (a) [**insert specific sections of eligible policies allegedly breached**]; and

Findings

5. You are advised that the allegations have been investigated and found to be substantiated, and you are therefore being issued with this breach notice. The following allegations have been found to be substantiated:
   (a) [**insert substanitiated findings**]

Proposed Sanction

6. The substantiated allegations are categorised as behaviour that falls within a [**category 1/2/3**] classification and as such the proposed Sanction is:
   (a) [**insert sanction here**]

Conclusion

7. You have 14 days during which you may accept the findings and proposed sanction listed above, in which case the matter will be finalised, or dispute the findings. If you consider the application of a Breach to be incorrect you must notify the Complaint Manager within 14 days of receiving this Breach Notice.

8. If you do not respond in writing within 14 days of the date of this Breach Notice, [**Relevant Organisation**] will deem that you have accepted the findings, waived any right under clause 8.4(d), and accepted the proposed Sanction.

9. [**Relevant Organisation**] reserves its rights in relation to any separate or future allegations or complaints that you have breached a Relevant Policy of SLS.

10. If you have any questions in relation to this letter or wish to respond to the allegations, the Complaints Manager can be contacted by telephone on [**insert mobile number**] or by email at [**insert email**].

Yours faithfully

[**insert signatory**]

LETTER – NOTIFICATION OF HEARING TRIBUNAL (JUDICIARY)

[**date**]

[**insert name**]
[**address line 1**]
[**address line 2**]

By email: [**insert email address**]

Dear [**insert name**],

SLS COMPLAINT RESOLUTION POLICY – NOTIFICATION OF HEARING TIBUNAL APPOINTED

Referral

1. [**Relevant Organisation**] has received a formal complaint under its Complaint Resolution Policy (Policy) alleging that you have breached a Relevant Policy of SLS, as outlined below (Complaint). A copy of the Policy is available at [**insert link**].

2. The Complaints Manager under the Policy has referred the Complaint about you for resolution under the Hearing Tribunal (Judiciary) clause in the Policy.

Allegations

3. The Complaint was lodged by [**insert name**] and received by SLS on [**insert date**].

4. It is alleged in the Complaint that you:
   (a) [**insert alleged conduct**]; and

5. As a result of the above allegations, it is alleged that you have consequently breached the following eligible policies of SLS:
   (a) [**insert specific sections of eligible policies allegedly breached**]; and

Hearing Tribunal (Judiciary)

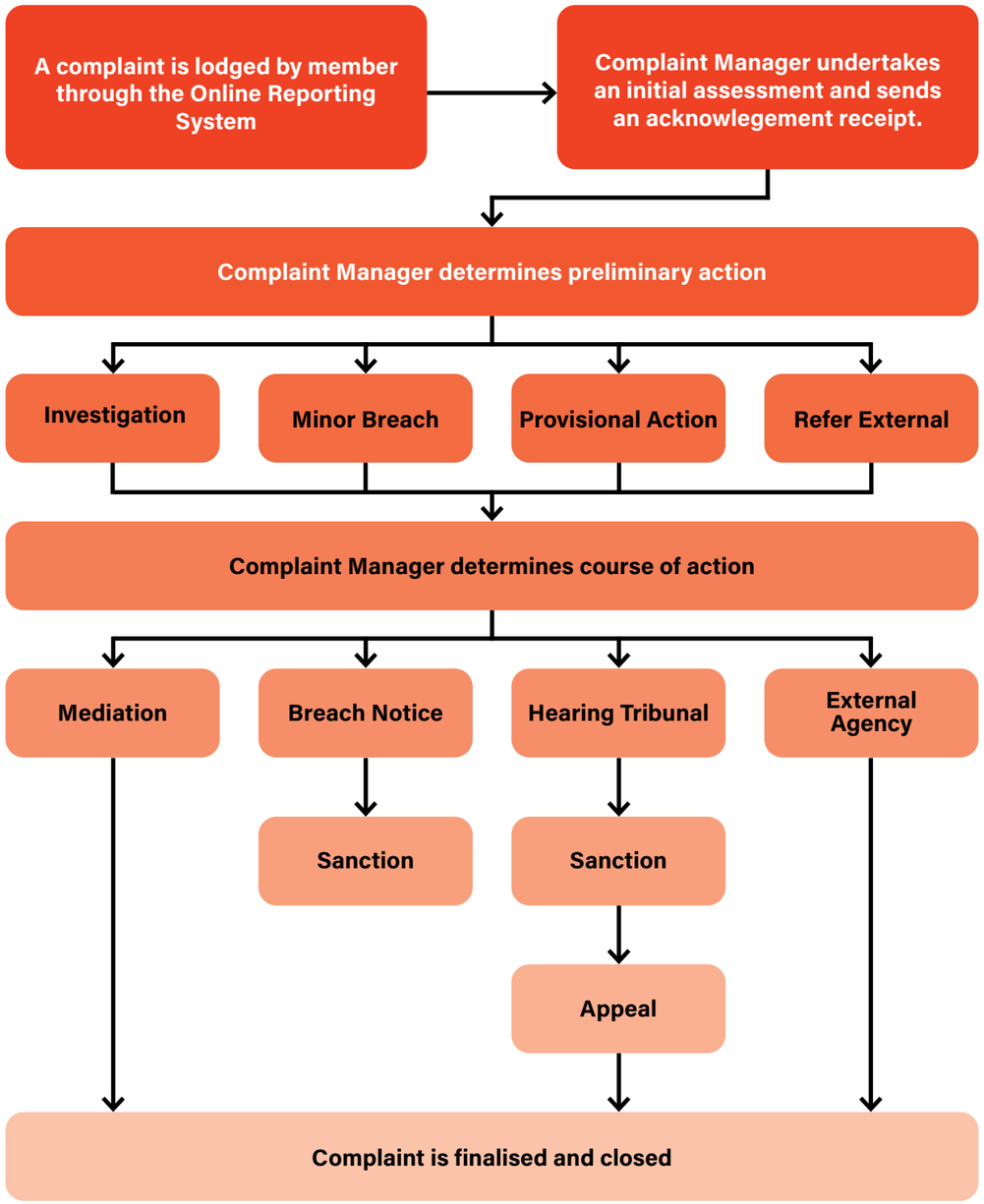
6. A Hearing Tribunal has been convened to resolve the Complaint and will consist of the following Members:
   (a) [**insert Judiciary Member 1 - Chair**]
   (b) [**insert Judiciary Member 1**]
   (c) [**insert Judiciary Member 1**]

7. You must attend the Hearing Tribunal either in person or via video link/teleconference.

8. The Hearing Tribunal Chair will notify you of the date and time of the Hearing Tribunal and provide further information relating to the proceedings of the Hearing Tribunal.

9. If you have any questions in relation to this letter, the Complaints Manager can be contacted by telephone on [**insert mobile number**] or by email at [**insert email**].

Yours faithfully

[**insert signatory**]

COMPLAINTS HANDLING FLOWCHART