



**SPORT INTEGRITY
AUSTRALIA**



NATIONAL INTEGRITY FRAMEWORK COMPLAINTS, DISPUTES AND DISCIPLINE POLICY UPDATE

February 2023

Sport Integrity Australia has been working with sports in a review of the National Integrity Framework with feedback informing future Framework policy amendments.

In addition to obtaining feedback from sports, Sport Integrity Australia carried out its own internal assessment of the Framework through the lens of Complaints and Reports it had received. What Sport Integrity Australia identified was a jurisdictional issue regarding its statutory functions, which requires it to focus its member protection activities to align with some of Australia's key international human rights obligations and the Commonwealth's interests in matters such as preventing the abuse of children, as well as discrimination based on features including race, disability, sex, age, and religion.

There are no changes to the Framework's intent or behaviours not acceptable in sport and Sport Integrity Australia will continue to play a vital national coordination role regarding integrity complaints. There are however some necessary changes to the Framework's Complaints, Disputes and Discipline Policy (CDDP) to ensure the agency is operating within its statutory functions.

Under the updated CDDP

Sport Integrity Australia and National Integrity Managers will continue to be involved in investigating all child safeguarding matters and member protection matters based on features including race, disability, sex, age, and religion. This means that Complaints about

Prohibited Conduct under the Child Safeguarding policy or alleged Discrimination under the Member Protection Policy will continue to be managed by Sport Integrity Australia.

It has always been the case that matters outside of the National Integrity Framework and complaints relating to matters such as personal grievances, issues related to employment, governance, eligibility and selection disputes are out-of-scope for Sport Integrity Australia. This is still the case under the updated CDDP. What the jurisdictional issue makes clear is that those Framework matters falling outside of Sport Integrity Australia's statutory functions will now be dealt with by sports or may be referred to external agencies who are established to deal with such matters.

In addition, Sport Integrity Australia will no longer be involved in the imposition of provisional action and sanctions in all National Integrity Framework matters. Rather, Sport Integrity Australia will provide sports with a sanctions framework to help determine appropriate consistent provisional action and sanctions in individual cases. Where Sport Integrity Australia investigates a complaint aligned with a relevant human rights obligation, it will supply a report to the sport with the relevant information to assist sports to determine the appropriate action under the sanctions framework.

Overview of CDDP updates

Sport Integrity Australia has listened and learned. The revised CDDP incorporates feedback received from sport and aligns to Sport Integrity Australia's statutory functions, while retaining the Framework's intent.

- The CDDP has been streamlined to incorporate the governance elements of the previous 'National Integrity Framework' Policy. The previous standalone 'National Integrity Framework' policy no longer exists.
- The CDDP can be utilised by sports or Sport Integrity Australia for matters that fall within their respective functions. This will assist to create consistency in the way matters are managed, regardless of whether they are managed by sport or Sport Integrity Australia.
- Based on the cases processed by Sport Integrity Australia to date, the CDDP now includes a Case Categorisation model to provide consistency in the way matters can be managed – focusing on preventative strategies without the need to investigate all matters.
- The CDDP provides for sports to make provisional action or sanction decisions in all National Integrity Framework matters.

An awareness of issues with the Framework means the agency must now operate under the updated CDDP, effective immediately. Sport Integrity Australia is also aware that sports will need to follow their processes to sign on to the updated CDDP, but it asks that they do this as quickly as possible to ensure the approach to dealing with integrity matters in sport is as consistent as possible.

Case Categorisation Model

The CDDP introduces a 3-tier Case Categorisation and Sanctions model to provide flexibility in the way matters can be managed, focusing on preventative strategies without the need to investigate all matters.

Category 1 (Blue) matters involve minor allegations of Prohibited Conduct that typically involve a mistake, misunderstanding, or an absence of intent to harm.

A range of sanctions that sports could consider applying:

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

Category 2 (Amber) matters allege Prohibited Conduct 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 involve an investigation, noting the format of the investigation will depend on the complexity of the matter. Written submissions may be suitable for most Category 2 investigations.

A range of sanctions that sports could consider applying (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 (Red) matters may involve criminal behaviour and/or immediate risk of harm, and includes child abuse, sexual abuse, sexual misconduct and serious assault. Category 3 matters may need to be referred to law enforcement in the first instance before sport or Sport Integrity Australia can consider the most appropriate action under the CDDP. Category 3 investigations may require a more complex investigation plan and may include formal interviews with Complaint parties.

A range of sanctions that sports could consider applying:

- 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
- Temporary suspension from relevant event/entity/club
- Withdrawal of accreditation from the relevant sporting event
- Permanent suspension /exclusion from the event/entity/club
- Return of awards

Triaging of matters

Sport Integrity Australia will continue to evaluate any matter it receives in accordance with its statutory functions and the Case Categorisation Model, and will provide advice to sports where possible to assist in determining resolution options.

Complaints currently with Sport Integrity Australia

There are a small number of Complaints currently with Sport Integrity Australia that fall outside its jurisdiction. The Complainant may now choose to resubmit the Complaint to the sport to be managed under their functions.

The Integrity Complaints team will work closely with the Integrity/Complaints managers for the sports that this is relevant to.

National Sports Tribunal

The following information has been provided by the National Sports Tribunal (NST).

For all NST Eligible matters*, sports may refer matters to the NST:

- to review decisions regarding Provisional Action
- to refer the Complainant and Respondent to Alternative Dispute Resolution, and
- to facilitate a Hearing Tribunal to arbitrate Provisional Action or Alleged Breach and determine whether a Sanction should be imposed and if so, the Sanction.

*An NST Eligible matter is an alleged breach that is a kind of dispute that falls within the jurisdiction of the NST (See NST Act sections 5(2) and 6(2) and NST Rule section 7)

It is not required that an investigation be undertaken before a matter is referred to the NST. As part of the NST dispute resolution process, parties may submit evidence and make submissions. In Alternative Dispute Resolution, this assists the parties to understand the position of the other. In Arbitration, this assists the Tribunal to understand the background to the dispute and through the arbitration hearing, review the evidence provided by each party, and come to a conclusion. If there has been an investigation, that becomes part of the evidence for the Tribunal to consider.

Evidence describes the factual information which a party will rely on and may be in various forms including a statement, a document, or an expert's or investigator's report. The evidence required will differ from case to case and will not always be lengthy. Submissions summarise the relevant facts, the relevant policy (and alleged breaches), the relevant law (if necessary), and the relevant outcomes sought, and include a proposed analysis to bring them together.

Please discuss any questions you have in this regard [with the NST](#).

Support and resources for sport

Sport Integrity Australia will continue to play a coordination role for complaints. Complaints received will be evaluated and either managed by Sport Integrity Australia, referred on to an appropriate external agency or passed back to the complainant with suggested pathways for them to pursue.

Where Sport Integrity Australia can no longer play a role in matters that fall outside of its statutory functions, it has prepared resources and guides to assist sports. These resources aim to provide consistency in the way matters are managed across sports.

- Investigation of Complaints Guidelines.
- Case Categorisation & Guidance for Sanctions booklet.
- Bullying in Sport information, including referral pathways.
- Standards & Prohibited Conduct Guide.

Sport Integrity Australia's Sport Partnerships team will be available to support sports with these new arrangements and will contact your National Integrity Manager or Integrity Contact to provide any assistance necessary.

National Integrity Managers

Funding for the National Integrity Manager Network will remain in place until 30 June 2024. Sport Integrity Australia will communicate with relevant sports regarding the specific arrangements as a matter of priority.

