Australian Government
Sport Integrity Australia

SPORT INTEGRITY AUSTRALIA

Investigation of Complaints Guidelines

A short guide to assist sporting organisations investigate complaints

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1. Introduction

The Investigation of Complaints Guidelines (the Guidelines) are for those who manage sport integrity-related matters within a National Sporting Organisations (NSOs), State Sporting Organisations (SSOs) or association or community sporting club.

The Guidelines are applicable to matters that are managed by the sports under the relevant complaints policy.

The Guidelines:

- Provide guidance on the basic mechanics of an investigation for matters managed by sporting organisations.
- Have been designed to promote procedural fairness to a potentially complex area of complaint investigation and management.

The Guidelines apply to informal or formal complaint management processes (written complaint and internal investigation).

The Guidelines are not intended to be used as a replacement of any existing Complaint Handling procedures for sporting organisations, and where sports have established robust complaint management processes, they should continue to use them.

2. Informal and Formal Complaint Handling Process

When deciding on what course of action to take, consider the nature of the complaint, the seriousness of the complaint and what the complainant wishes to achieve from making the complaint. No two complaints are the same, so other information that may be taken into consideration when determining how to manage a complaint is outlined below.

Where it is practical to do so, based on an assessment of the severity of the complaint, you may wish to consider handling a matter through an informal, yet documented process in the first instance.

Please refer to your organisation's existing complaints management policy in the first instance.

2.1 Informal complaint processes[1]

Characteristics of a less serious complaint may include behaviour or decisions that are:

(a) out of character for the person about whom the complaint has been made

(b) one-off

(c) not entrenched

(d) low risk of harm / impact on other people

Examples of less serious issues that might be dealt with using informal processes include:

- favouritism in team selection
- mild course language, yelling
- excessive emphasis on winning
- restriction of access to facilities

It is also appropriate to seek information from the complainant regarding their views on what they wish to seek as an outcome. Subject to the nature of the matter, this view may not always be achievable, but by starting with an understanding of what the complainant is aiming to achieve by bringing the complaint forward, may provide a number of alternative means to resolve it, other than formal investigation.

2.2 Formal complaint processes[2]

A formal complaint process is generally reserved for a complaint that is considered serious.

Characteristics of serious complaints include:

- unlawful behaviour
- repeated pattern or entrenched behaviour
- more than one person impacted upon
- more than one person perpetuating the behaviour
- person complaining unable to address issue / power imbalance – conflict of interest
- person complaining wants formal disciplinary measures imposed
- has been unsuccessful resolved at informal level.

Examples of serious issues that should be dealt with using formal processes include:

- angry/volatile spectators
- bullying (e.g. initiation rituals/hazing, ostracising behaviour by an individual or group)
- extreme inappropriate coaching style (e.g., profanities accompanying aggressive / threatening gestures)

Where a matter has been determined to be a serious complaint, and a decision made to formally investigate it a robust, yet transparent and fair process to the evidence gathering should be undertaken.

[1] Play by the Rules – Complaint Handling Processes: Dealing with issues through informal processes.

[2] Play by the Rules- Complaint Handling Processes: Dealing with issues using formal processes.

Information Security and Management

2.3 Complaint Management Systems

Sporting organisations should have a system to record, collate and manage investigations from the time of complaint through to finalisation. Traditionally, this is referred to as a Complaint Management System (CMS).

Not all organisations have the need for complex CMS systems, however they should ensure whatever system they have protects the information throughout the entirety of the compliant management process. This includes from the time of registration of complaints, the collation and management of information gathered as part of the investigation, personal information of those involved and the outcome of the investigation. The procedures should also take into consideration the relevant privacy legislation / principles relevant to the State or Territory jurisdiction of the organisation, including appropriate protections to secure the information and deal with sensitive information.

2.4 Receipt of a complaint

It is the responsibility of the sporting organisation to manage a complaint to finalisation. A sporting organisation should have a process to receive and register the recording and management of complaints.

2.5 Evidence and information handling

During the complaint and/or investigation process material will be provided that may be relied upon as part of the investigation. This material may go towards proving the allegation, equally it may go towards demonstrating the alleged conduct did not occur. It is important that all evidence is gathered, irrespective of whether it assists to prove or disprove the behaviour occurred, as this is an important aspect of procedural fairness.

It is important to ensure that the collation and management of such material is transparent and well documented. As a rule, a person appointed to conduct an investigation into a complaint, regardless of whether it is informal or formal, must be able to account for any material provided to them from the time they receive it through to the conclusion of the investigation. This is sometimes referred to as continuity of evidence.

Example: As part of investigating a formal complaint, you are provided with a copy of an email from a witness that relates to the alleged conduct. It is appropriate for you to document the time/date you received the item and from who. The accountability of possession and movement is important.

2.6 Confidentiality of information

All information regarding the complaint must be kept confidential and should not be disclosed to any third parties, unless otherwise required. If any information is intended to be disclosed to any third party not connected to the complaint, it is upon the organisation to ensure there is a legal right to do so before the information is released. The third party is also required to keep the information confidential and only use it for the purpose for which it is provided.

2.7 Release of information / Disclosure in civil / administrative proceedings

As part of the investigation process, a volume of information / evidence will be gathered from a variety of sources. All relevant information should be retained in a format which best supports investigations, auditing and proceedings.

During, or perhaps following an investigation, a duty to disclose information may arise through both a civil and/or administrative context. For example, if a Respondent has an allegation substantiated and they wish to challenge that finding, the matter may end up within the sport's Appeals Tribunal or National Sport Tribunal.

Proceedings brought about by a party may seek discovery through summonses, orders of discovery issued by a court in civil proceedings or requests for information through respective Freedom of Information requests.

If access to materials gathered as part of an investigation is sought by any means, it is important to consider:

- who is asking for access to the information?
- is the person a party to the investigation?
- what is the purpose for which the person is seeking access?
- how has the request been received, verbal, in writing or through a legal process?

Ensuring the legal release of information to a party can be a complex area. If in doubt, seek legal advice and guidance to assist to navigate the requirements before you release any information.

3. Principles of Investigation

An investigation is conducted in a systematic approach designed upon core principles, one of which is procedural fairness.

Whether a matter is being investigated informally or formally, there are several core principles that should be followed relating to the actioning or investigation of the complaint. These principles relate to:

- acknowledgement of complaint
- triaging and identification of the actual behaviour (as far as practical)
- appointing a person to conduct/manage investigation of complaint
- notification to relevant parties (where required)
- documented and transparent investigation processes (to the degree required based on the complexity of the complaint)
- documented and accurate records of actions and conversations with relevant parties
- documented and robust outcomes based on logical reasoning (as relevant to the complexity of each matter)

Please refer to your organisation's existing complaints management policy in the first instance.

3.1 Acknowledgement of complaint

It is important that the complaint be acknowledged as being received from the complainant / organisation that has reported it. When acknowledging the complaint, consider:

- doing so in a timely manner
- providing an overview of what the process will be by your organisation to respond
- where known, nominate a contact person for them to liaise with
- an approximate time frame of the expected duration to review and provide further advice to the complaint.
- a copy of any relevant policy / procedure that may relate to their complaint

3.2 Triage and identification of the issues relevant to the complaint

When assessing the complaint, it is important that the specific behaviour is able to be identified. Once the behaviour is defined, there is a need to assess if the alleged behaviour (if it were to be proven) is in breach of any specific policy or procedure of the sporting organisation. It is important to identify this aspect, and it may not be unusual for the alleged behaviour to offend multiple policies / procedures.

Identifying the specific behaviour (as far as practical) will also assist in determining:

- the seriousness of the complaint
- whether an informal or formal complaint handling process is required
- whether the complaint can be managed internally, or needs to be referred to an independent person

Being able to identify what the specific nature of what it is that a person has allegedly done, and identifying the actual policy that has been offended is an important aspect of procedural fairness for the person who has the allegation against them (the Respondent).

Conducting investigations can be a complex field, so always seek guidance from a person experienced in such matters if you are in doubt and before making any significant decisions or taking any significant actions.

3.3 Decision to appoint a Complaints Handler / Officer

If a decision is made to deal with the complaint internally, ensure that the person to be appointed is capable of the responsibility.

When engaging a Complaints Handler internally, some things to consider are:

- person's willingness to undertake the investigation
- person's relationship with all parties (consider a conflict of interest)
- person's ability to conduct the investigation
- person's ability to be able to conduct the investigation in a timely manner

3.4 Conflict of interest

Before the commencement of any investigation, ideally try and identify any potential, perceived or real conflict of interest that may exist with either the appointed individual (internal) or the appointed external party. Address any issues in accordance with your organisations Conflict of Interest Policy.

However, at times, and despite best efforts to identify a conflict of interest before commencement, it is possible that during the investigation of the complaint, a conflict of interest may emerge with the person responsible for conducting the investigation. If this occurs, in addition to consulting with your organisational Conflict of Policy, you may also consider:

- have the person raising the conflict of interest to articulate what the actual issue is and how the identified issue is a conflict
- while the organisation is considering the issue raised, you should give consideration to stopping the investigation process until the conflict of interest issue has been resolved
- if the conflict of interest issue cannot be resolved in a timely manner you may need to consider removing the person appointed to investigate and appointing another person (his can be very disruptive to the process and needs to be carefully considered)
- document that the conflict of issue has been raised, and importantly document what course of action has been taken

Conflicts of interest can be a difficult field to navigate. Seek assistance and guidance as required.

3.5 Engaging with the Complainant / witness

It is likely that you will be required to meet with / speak with the Complainant and/or witness. This might be to explain the process and/or to seek further information. This initial meeting could occur in person, via telephone or over a platform such as Microsoft Teams / Zoom.

With the initial contact, whether in person or via other means, consider:

- introducing yourself and explaining your role
- if via telephone, enquire if it is a convenient time to talk to the person. If not, arrange another time/date
- explaining that you have received their complaint, and you were wishing to organise a suitable time/date to discuss it further. Explain why you need to do this
- explaining how long you may need to speak with them for (ensure this is suitable to them)
- if there is a requirement to meet in person, mutually agree on a time, date and location that will be suitable
- with regard to organising a location for them to attend, ensure it offers the person privacy and a sense of comfort to talk (a poor choice of venue may impact a person's ability to communicate and build rapport with them)
- provide them an opportunity to ask questions and answer them (if you can't answer a particular question, be honest and say so, if it is a question you do not know the answer to, seek to find out and contact them at a later stage)

When you speak to them about the specifics of their complaint, some considerations are:

- why have they raised the complaint?
- what outcome are they seeking by raising the complaint (this needs to be realistic and in balance with the severity of the alleged conduct)
- are there any witnesses to the alleged conduct that you need to speak with?
- have they already spoken to other parties about the complaint they have made? (if so, when, who are they and what was specifically discussed is important to ensure people's accounts have not been contaminated by the discussion)
- have they spoken with the Respondent? (if not, is this something that they are willing to do? again, subject to the nature and seriousness of the alleged conduct).
- do not inform them of what the outcome will be at the initial stage (all the relevant issues have not been considered
- telling them, subject to the way they wish the complaint to be dealt with, the Respondent will need to be told about the complaint, which may include the identification of the Complainant
- if they are a witness, inform them that there may be a likelihood that the Respondent will be advised about what the witness has said (whether this will actually occur is subject to a variety of factors that are likely not known at the initial time you speak to the witness. If in doubt, seek guidance here about what to communicate with the person)
- provide them a realistic timeframe for resolving the matter

Whether you have your initial contact via telephone, email or in person, remember first impressions are important. The parties you engage with will be making assessments about the person managing the complaint

for the organisation and the organisation itself by the way the person managing the complaint communicates (and presents themself).

3.6 Notification of complaint to the Respondent

In addition to the information above relating to the Complainant/ witness, when it is appropriate to do so, there will be a need to notify the Respondent about the complaint against them. It is not mandatory to notify the Respondent of the complaint at the outset and this is a decision that may vary based on the nature and complexity of the alleged conduct.

In considering when to inform the Respondent, things to consider may include:

- the seriousness of the nature of the complaint
- if advising them will create an opportunity where evidence may be lost or destroyed
- do you have sufficient information to be able to detail the complaint
- when and how will you advise the Respondent is also important as they also have a right for the complaint to be kept confidential and privacy respected

If you are required to inform the Respondent of the alleged conduct, some things you will need to consider are:

- give them notice that you wish to provide them details of the complaint
- when you advise them of the need to talk/meet with them, offer them an opportunity to bring a support person
- providing them the specific allegation(s) should generally be done in writing
- the information provided to them must have sufficient detail as to what it is alleged they have done (this should include, where possible, the time and date, the location it occurred and if it relates to words spoken, what they specifically said, or if this is not known, state that it was words to the effect of)
- identify that the alleged behaviour, if proven may be a breach of what specific policy / procedure
- informing them that they do not have to respond to the allegations if they do not wish to do so (however, if they do not respond the decision maker can only rely on the information before them to make a determination - this should not be stated in a threatening tone, but should be stated as a logical fact)
- provide them with a reasonable amount of time to respond to the allegation(s). What is reasonable may vary and is relevant to the complexity of the matter
- advise the party how you would like them to respond, in writing or in an interview
  advise the party that no determination has been made about whether they have breached a policy or not

A simple example of an allegation includes: It is alleged that at approximately 4pm on 23 January 2023, while at Balmain Oval you threw a rubbish bin onto the oval during the Men's, Division 1 game. If this conduct is proven, it may amount to a breach of the Balmain Falcons Code of Conduct, section 3 – Inappropriate conduct.

3.7 Communication

It is recommended that the person conducting the investigation should establish frequent communication with both the Complainant and Respondent (and others as required) on a regular basis throughout the complaint management process, including finalisation.

As a guide, you should document each time you communicate with a party involved in a complaint, but only as far as the communication you have had relates to the complaint. For example, if you engage with them for other club-related activities, then this does not necessarily need to be documented.

3.8 Developing lines of inquiry

Based on the complaint and speaking to parties there may be a requirement for the person investigating the complaint to identify lines of inquiry and pursue them.

For example, from speaking to a person, they tell you that three other people are present. They identify those three people to you. A line of inquiry would be to go and speak to these people.

It is important that you identify lines of inquiry that may lead to other evidence being obtained where that line of inquiry is important. You may not have to pursue every line of inquiry, but if you make a conscious decision not to pursue some over others, you may want to make a note as to why.

3.9 Interview planning – Complainant / witnesses

When a decision has been made to speak to the Complainant / witness it is always beneficial to plan. The level of plan may vary for speaking to a person about a complaint that is going to be managed informally as opposed to formally, however, consider:

- what is the purpose of speaking to the specific person?
- what is it that this person is expected to tell you?
- where will the interview occur?
- what do you need for the interview (paper, recording equipment)?
- how long do you require to undertake the interview?
- what have other parties stated about this person, for example, is there information provided to you by other witnesses that you need to confirm with this person?

If you are involved in a matter with several witnesses, one person may raise material that another party has not provided. For example, you may interview Witness B and Witness B may raise that Witness A was also present, but this was not raised /discussed with Witness A as it was not known at the time Witness A was spoken with. Where this occurs, it is appropriate to raise the issue with Witness A and other parties who are nominated to seek confirmation. Ensure a documented record is made.

3.10 Interview planning - Respondent

Similar to a plan for a Complainant / witness, when the time comes to speak with a Respondent (and subject to the nature of the matter), in addition to the above (Complainant / witness) a plan should consider the following:

- what is the alleged behaviour?
- what policy / procedure does the alleged conduct offend?
- understand definitions relevant to the policy / procedure that is said to be relevant
- what evidence do you have specifically from the complainant, witnesses or elsewhere that must be put to the person and given an opportunity to respond?
- the evidence obtained from other parties or part of the investigation that is required to be put to the Respondent is put to the Respondent in order of the items that will have least impact on them to most impact

During the interview process, if a person is providing their version of events, try not to cut them off. Let them talk, take notes and then ask questions. You want to avoid a stop / start approach where practical.

If a person provides a version of events, and you have evidence that demonstrates they have lied or not being entirely truthful continue to ask questions around locking them into a more detailed version before you put the evidence you have to them.

3.11 Procedural fairness

In simple terms, procedural fairness is about affording a person who is alleged of wrongdoing an opportunity to be informed of what the allegation(s) is (with sufficient detail), an opportunity to respond to those allegations, and any evidence the investigation seeks to rely on.

If you have any evidence that you intend to rely upon for your finding, you should (at the relevant time) present that evidence to the Respondent and afford them an opportunity to comment. They do not have to comment if they do not wish to do so.

3.12 What is a support person?

A support person must be someone who is not connected with the alleged conduct, nor is likely to be required to provide evidence about the alleged conduct.

3.13 Who can be a support person?

Subject to whether you know before an interview, if a person has a support person present attend and you do not know them, identify who the person is and whether or not they have witnessed any of the behaviour that will be discussed. It may be appropriate to have this discussion away from the person they are supporting to avoid any contamination of each other's version of events (if they are a witness).

If they have witnessed any of the behaviour to be discussed, the person should not be permitted to remain. Explain that by doing so, and continuing with the interview it is likely that the person's evidence will be contaminated.

If a support person cannot remain, consider postponing the interview until such time a new support person can be found.

Ideally, as part of your planning for an interview ascertain from the party to be interviewed if they intend to bring a support person, and who it is. You will be then able to address this issue before any interview commences.

Having the same Support Person for multiple people is not ideal, and should be avoided where possible.

3.14 Third parties

Support person

If a person is present as a support person, it is important that at the commencement of the interview the support person is advised of the requirements for them to remain and participate. They must not answer any questions on behalf of the person in the interview.

Other third parties

There may be an occasion where a solicitor or representative from a sporting association are present. Similar to a support person, explain to these parties your expectations as to their behaviour during the interview. They are not to answer questions for the person who is being interviewed.

Interpreters

If the person you are interviewing cannot reasonably understand English, in fairness to them, you may need to engage an interpreter. Subject to the nature of the specific matter, you may have to consider engaging a qualified interpreter and not, for example, a member of staff or relative of the person to do the interpreting.

3.15 Discovering additional behaviour / allegations

If during investigation new allegations are identified and subject to the nature of the allegations you may need to have these dealt with as a separate issue all together.

If you are in doubt, seek advice and guidance before a decision is made.

3.16 What if the witness is a minor or young person?

Refer to your organisation's Complaint Procedures Policy. If the policy is silent on interacting with a child as part of a formal investigation, consider the following guidance.

A child is defined as a person who is under the age of 18 years. Some legislation (*Children and Young Persons (Care and Protection) Act* 1998 (NSW) for example, a distinction is made between a child and a "young person".

A young person is someone who is 16 or 17 years of age.

As a rule, you should have either a parent or guardian of the child present during the interview.

Child

Interviewing a child is a skill.

Chapter 6, *Equality before the Law Bench Book* states that children and young people are not adults, and depending on their age and development:[3]

- the ability of children and young people to understand language, concepts, the meaning behind events and complaint processes differs from that of adults

[3] https://www.judcom.nsw.gov.au/publications/benchbks/equality/section06.html#ftn.DVdmY_t

- their ability to communicate their evidence is generally different from that of adults because of:
    - differences in the way they understand the world, especially time, context, and causality
    - differences in what aspects of past events they remember and how they recall and report them
    - their greater dependence on context for comprehending language and concepts
    - their less developed capacity to sequence events and report them in order
    - differences in their understanding of vocabulary and grammar, especially personal pronouns and referents (for example, “here”, “there”, “how” and “then”)
    - their shorter attention span especially under stress
    - differences in their level of maturity and therefore how they react to situations and interact with people
    - their relative lack of power in an adult world (for example, a child may be subject to implied or express family or peer pressure to give or not to give evidence)
- children’s and young people’s comprehension and communication abilities will vary considerably, even among children of the same age, depending on their background, physical and mental health and experiences

Before you consider interviewing a child speak to the parent / guardian first. Attempt to understand the role of the child’s evidence in context of your investigation. If in doubt, ensure to seek advice and guidance from an expert.

It is recommended that subject to the nature of the matter for the child to be interviewed about, an external person with the appropriate training undertake this task.

4. Notetaking – the purpose of notes and record keeping

The taking of notes is an important function of any investigation process. The notes should be made at the time of or soon as practical thereafter.

For example, if you speak to a witness on Monday, 23 January 2023 at 10am, ideally, you should make notes of the conversation at the time of speaking to the witness, or as soon as practical thereafter. There is no specific set time that defines 'as practical thereafter', but it would be suggestive this would be within hours, maybe a day, but certainly not weeks.

4.1 Notes

Notes can be used to record information such as:

i. observations, sketches and measurements (where relevant)
ii. conversations with relevant parties
iii. identification, copying or otherwise obtaining of information / evidence relevant to the allegations
iv. key decisions
v. the fact photographs were taken

It is important to remember that your notes (and observations) are not for you alone. There may be a requirement for you to provide your notes to an independent decision maker or other third party at a later stage. Your notes should be legible, clear and devoid of opinion unless supported with factual material.

4.2 What to record?

Depending upon the nature of the complaint, there will be a requirement to record notes about what actions have been undertaken by the person conducting the investigation.

Where relevant, include:

- the date and time the notes are being made
- if a person was spoken to, identify who was spoken with (ensure correct spelling, time and date spoken with)
- contact details of the person being spoken with
- who else was present when the person was spoken/met with
- duration you spoke to the party for
- whether they provided any items (photograph, email etc)

4.3 Information about the involvement of other parties

If one person refers to another person as part of their information to the investigation, and it is relevant to the alleged behaviour, consider recording:

- the full name of the other person mentioned, or what the complainant / witness knows them as (first name, or nickname etc)
- how they know the person (if indeed they do)
- how long have they have known the person for
- if they do not know the person, have them describe the person including, physical descriptions of people (height, build, gender, identifiable features such as scars, tattoo etc, nationality if known etc)

If a part of the alleged behaviour relates to what a person said to another person, consider:

- obtaining the specific words spoken, i.e., Rachel said, "Janice is wrong, and does not know what she is doing".
- do not summarise what was said, if what was said is relevant to the alleged behaviour (for example, if the complaint relates to the way David, a Soccer coach spoke to his players, and the witness informs you that David spoke rudely, get clarity about specifically what was said. Don't record it as, "David spoke rudely")
- if the person does not recall exactly what was said, for whatever reason, ask them to provide an account using words to the effect of what was said (ensure it is recorded that the witness has stated that they recall the words to the effect of "Janice is wrong and has no idea", if the person does not specifically recall do not phrase it as if they do)
- be accurate with respect to who said what
- where a Complainant or witness uses other terms such as 'bullied', 'harassed', 'intimidated', 'yelled', 'screamed', 'angry' etc you will need to clarify with the person what happened to form this view

4.4 Observations

If a part of the alleged behaviour relates to a person providing information about their observations of what another person did/said, or you need to make a record of your observations consider recording in your notes:

i. when did the observation occur
ii. how far away was the person they/you observed when the action/comment occurred
iii. how were the parties standing, positioned
iv. how long was the conduct observed for
v. are there any witnesses to what was done/said, or, parts of what was done/said
vi. was there any obstruction / partial obstruction to the person's line of sight from where they were to what they were observing

4.5 Receiving items from a party as part of the complaint process

It is likely at various stages of the complaint process, the Complainant, the witness and/or the Respondent may provide you with additional information in the form of, say, an email, a photograph, a recording etc.

When this occurs, consider making a note of:

- time, date and place the item was provided
- who provided the item to you
- how it was provided to you (email, handed personally, posted etc)
- if the item comes to you via a third party, establish how the third party came to receive it, and when

4.6 Presenting items to a Respondent as part of an interview

If there is a need to present to a person, say a document for example as part of the interview, clearly describe that document and invite the Respondent to sign the document to support that it was the specific document shown to them as part of the interview. They are not obligated to sign it. If they refuse to sign it, record this in your notes.

4.7 Obtain written consent

As part of your investigation, if there is a requirement for you to ask for material from a Respondent, document the fact you asked, and it was provided with consent. Ideally, have the consent placed in writing and invite the Respondent to sign and acknowledge the consent.

4.8 Returning items

As part of your investigation, if you return items that you obtained as part of your investigation and they are no longer needed, document and if practical obtain a written / signed acknowledgement that the items were returned, including the time and date they were returned.

5. Investigation Report

5.1 What is an investigation report?

An investigation report is a document that incorporates all the relevant material gathered as part of the investigation and includes an analysis of the material against the alleged conduct and recommends a finding.

All of the materials gathered throughout the investigation that will be used within the report should be included as Annexures to the report. The report should be completed by the person who conducted the investigation. The report should be a balanced view of all the available evidence the investigator had to rely upon.

> *The investigation report is written for the purpose of documenting, analysing and balancing the evidence so that the person making the decision as to whether, on the balance of probabilities, the alleged conduct occurred or not can rely.*

It is important to remember that the report may be subject to release to third parties in certain circumstances. Be professional and balanced in your written work.

5.2 Example of a template

Investigation/Executive summary	Provides a summary of the report. • Set the context. Summary of allegations. • Brief summary of relevant evidence. • Findings.
Methodology	Identifies the investigation process, including relevant dates that parties were interviewed and/or other enquiries.
Allegation	What is the alleged conduct, and the relevant policy, procedures that the alleged conduct is said to have infringed.
Summary of Evidence	Align to each allegation. What did your investigations reveal. What did witnesses say about the particular allegation.
Findings	What is the finding of your investigation. Substantiated or unsubstantiated.
Lessons (where relevant)	What did you identify, and how things could be improved. • Identify system shortfalls. • Recommend follow-up action.

5.3 Structure and format

Key structural aspects should include:

- use of headings and sub-headings as required
- clear, concise and accurate summary of evidence
- unbiased
- grammatically correct (no spelling errors)
- objectively written.

An investigation report should also be written from the third person point of view which differs to the preparation of a witness or investigator's statement which is written in first person. The use of this form of narrative is professional and commonly used in developing reports.

5.4 Summary of evidence

Under a heading of summary of evidence, each item you seek to rely upon to assist in your decision making should be summarised. For example, if you speak to Person A, Person B and Person C, but only Person A and B have evidence to assist you in your analysis of the alleged conduct, generally, only their evidence should be summarised as it relates directly to the alleged conduct. You can reference you spoke to Person C, but specify they had no evidence relevant to the allegation.

5.5 Analysis of evidence

The analysis section of a report is where the Complaint Handler re-establishes what the alleged conduct is, and analyses what evidence there is that either supports the conduct occurred or supports that the conduct did not occur. This analysis must be balanced, clear and logical.

It is important for an investigator to address any inconsistent evidence of people and explain how this has been balanced by them and how they assessed and evaluated this evidence in reaching a finding.

The analysis is the critical section of the report where you will be balancing all the evidence obtained and detailing why you will be recommending your finding.

Do not make generalised statements of opinion. For example, do not simply say, *"The evidence of Peter Smithers is not accepted".* You must step out you're reasoning and sufficiently explain why you are of the view that the evidence of Peter Smithers is not accepted.

5.6 Recording a finding

Dependent upon an organisation's Complaint Policy, the investigator normally is required to:

i. make findings as to whether, to the requisite Standard of Proof, the alleged conduct is:
   A. substantiated
   B. unsubstantiated
   C. unable to be substantiated.

ii. if one or more of the allegations is found to be substantiated, refer the matter to the decision-making person / body of your organisation.

iii. if all of the allegations are found to be a combination of either unsustained or unable to be substantiated, close the matter with no further action.

5.7 Issues arising

Subject to the matter being investigated, there may be information about matters that is identified as part of the investigation. As long as the issue is relevant to the investigation, you may consider placing commentary under a heading similar to 'Issues arising'.

If issues are identified that are not relevant to the investigation, but relevant to the sporting organisation, consider documenting this in a separate report.

6. The Decision Maker

A sporting organisation should refer to their existing complaint handling procedures in the first instance.

6.1 Referral to the Decision Maker

Once the person responsible for conducting the investigation has made a recommendation as to the finding, the report (and all attachments) should be provided to the nominated Decision Maker(s) to review.

6.2 Adopt or reject the recommended findings of the Complaint Handler?

Based on the available material presented in the investigation report, it is a matter for the Decision Maker(s) to be satisfied to the requisite standard of proof, that is, on the **balance of probabilities** the alleged behaviour occurred. The Decision Maker(s) should make a written record of their decision and perhaps a summary as to the reasons why. If the Decision Makers consists of a panel, each panel member should make their own determination free from influence of the other Decision Makers.

The Decision Maker may seek for further clarification or materials to be gathered.

6.3 Notification of the intent to make a substantiated finding

If the Decision Maker(s) decide to adopt a recommendation to substantiate the Complaint Handler's finding (or make a substantiated finding if the Complaint Handler did not), the Decision Maker(s) should write to the Respondent advising them of the intent to make a substantiated finding. The Respondent should then have an opportunity to accept or seek an appeal of that decision before the final decision is made.

The Respondent should be provided this opportunity to make a final submission as a matter of procedural fairness.

The Decision Maker(s) should then consider any material / submissions made before making a final decision.

6.4 Notification of final outcome

As soon as the final decision is made the Respondent and the Complainant should be notified of whether the matter was substantiated or not substantiated.

Disclaimer

These guidelines have been developed to assist sporting organisations navigate the investigation process when dealing with complaints. It is intended as advice only, sporting organisations should always seek legal or professional expert advice if in doubt or require clarification on anything contained in these guidelines.