



**NETBALL
SCOTLAND**

RESPECT: A PROCESS FOR MANAGING COMPLAINTS

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1. RESPECT: A PROCESS FOR MANAGING A COMPLAINT RELATING TO A BREACH OF POLICY OR RULE

1A. PURPOSE

The Netball Scotland RESPECT document outlines the behaviours expected from all within the 'Netball Family' in line with its policies and rules, and this document provides a standardised process on how to manage a complaint of a breach of policy or rule.

The Netball Scotland RESPECT process document refers to the 'Netball Family' as 'everyone involved in the sport of netball at all levels of the game including individuals, clubs, local associations and other organisations, regardless of their role, paid or voluntary, or whether they are members of Netball Scotland or not'.

1B. SCOPE: POLICIES, RULES AND REGULATIONS

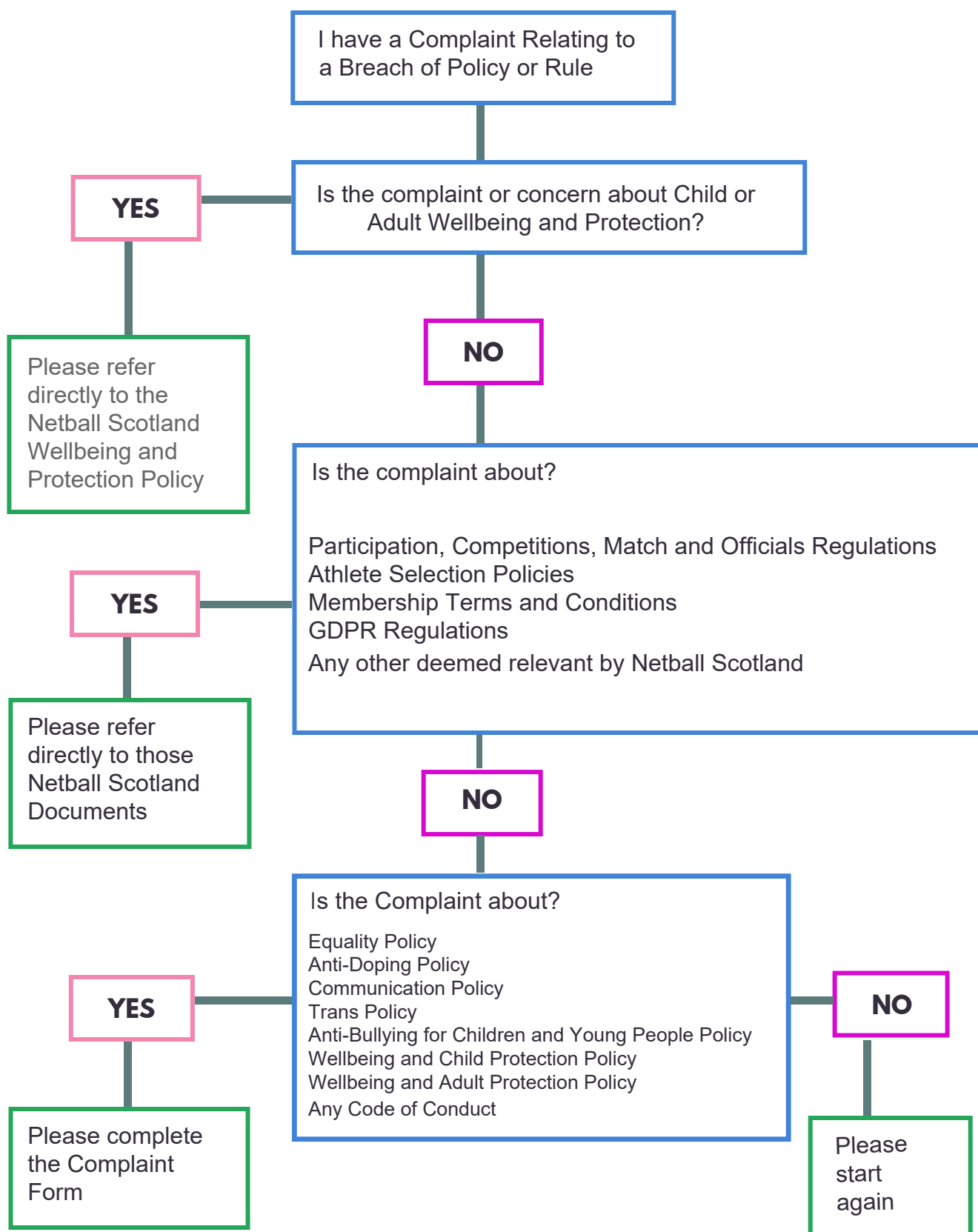
The policies and rules which outline the expected behaviours within the 'Netball Family' covered by this document are:

- Equality Policy
- Anti-Doping Policy
- Communication Policy
- Trans Policy
- Anti-Bullying for Children and Young People Policy
- Wellbeing and Child Protection Policy
- Wellbeing and Adult Protection Policy
- Any Code of Conduct
- Any other deemed relevant by Netball Scotland

Please note there are policies, rules and regulations within Netball Scotland not covered by this document that have their own similar process for dealing with complaints or concerns:

- Participation, Competitions, Match and Officials Regulations
- Athlete Selection Policies
- Membership Terms and Conditions
- GDPR Regulations
- Any other deemed relevant by Netball Scotland

2. RESPECT: REPORTING A COMPLAINT RELATING TO A BREACH OF POLICY OR RULE FLOW CHART



3. HOW TO MAKE A COMPLAINT RELATING TO A BREACH OF POLICY OR RULE

3A. PURPOSE

Complaints relating to a breach of policy or rule as defined in the flow chart on page 4 must be set out in writing using the official Complaint Form (see Appendix 2), and emailed to complaints@netballscotland.com or posted/delivered by hand FAO COMPLAINTS at Netball Scotland's registered address. Any complaints not received in this format will be rejected.

3B. TIME FRAME

The Complaint Form must be received within 28 days of the alleged breach taking place. Where Complaint Forms are received out with 28 days of the incident giving rise to it, Netball Scotland may at their discretion extend this period up to 6 months in any case in which they are satisfied that it was not practicable for the complaint to be made within 28 days of knowledge of the incident. The decision in this regard of Netball Scotland is final and there shall be no right of appeal.

3C. FEE

There is no fee associated with submission of a Complaint Form, however all allegations should be made in good faith. In deciding what to do with a Complaint, Netball Scotland shall be entitled to take into account any issue that they consider relevant and may make any assessment or determination that they consider appropriate including (without limitation) assessing the possible validity of the Complaint and whether the Complaint is unjust, malicious, vexatious, or being unreasonably brought, or unfounded. Action may be taken against a complainant for malicious or vexatious allegations.

4. HANDLING A COMPLAINT

4A. PROCESS

All Complaint Forms received as per the process detailed in Section 3 will be assessed by Netball Scotland for validity.

If the Complaint is deemed invalid, malicious or vexatious, it will be rejected.

If the Complaint is rejected, Netball Scotland shall be under no obligation to notify the party against whom a Complaint was initially made, either that a Complaint had been made to Netball Scotland or that it was rejected.

Equally, Netball Scotland shall be under no obligation to keep a Complaint made to Netball Scotland confidential at any stage.

If the Complaint falls out with the scope of this process it will be rejected.

If the Complaint falls within the scope of this process, Netball Scotland may appoint an Investigator. The Investigator may be internal or external to Netball Scotland. The Investigator shall be entitled to conduct such investigation into a Complaint as the Investigator sees fit.

The Investigator will inform the Complainant that they are dealing with the matter and inform that the details of the Complaint will be disclosed to the Respondent. The Respondent will be given the opportunity to respond to the Complaint against them. The Respondent will be sent a copy of the written complaint or a summary of the allegations against them and then given 14 days to respond to the allegations in writing.

The Investigator will conduct an investigation and, in doing so, ordinarily contact will be made with the Complainant, the Respondent and all witnesses to deal with all questions of the Investigator. The Investigator may request signed statements from relevant parties.

The Investigator shall make a written report which shall include the documentary evidence and a recommendation to Netball Scotland as to whether there is a case for the Respondent to answer or not.

If Netball Scotland confirms a recommendation that there is no case to answer, Netball Scotland shall inform the Complainant and Respondent accordingly. There shall be no appeal against a decision that there is no case to answer but a Complaint may be re-examined if further evidence is later forthcoming.

If Netball Scotland confirms a recommendation that there is a case for the Respondent to answer, the Investigator's documents are passed to a Panel to deal with the Complaint.

There is no right to appeal by the Complainant if the complaint is rejected as above.

The Investigator shall be entitled to depart from the procedure above to the extent that they see fit in any given situation, depending on the circumstances of the Complaint and the response.

4B. PANEL

The panel will consist of relevant specialists appointed by Netball Scotland.

The panel will consider the Complaint and convene a hearing if it considers appropriate.

No panel member shall participate in a hearing in which they have a personal involvement with either the subject matter(s) or the parties to the Complaint.

The Chair to the panel may seek written or verbal evidence from any person who may be able to assist in the determination of the issues.

The hearing will be flexible, and all matters of procedure shall be at the discretion of the Chair, guided by the requirements of fairness.

The panel will aim to reach a decision and outcome on the complaint as soon as reasonably practicable after the hearing.

The panel will communicate its decision on the Decision and Outcome Form (see [Appendix 3](#)).

5. DECISION & OUTCOME

5A. DECISION

This decision may be to reject the Complaint.

The decision may be to uphold the Complaint.

The decision may be to lodge the Complaint with another body.

5B. OUTCOME

There is a range of outcomes including:

- Operational change
- Mediation Education
- Disciplinary action
- Sanctions
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6. APPEAL

There is leave to appeal against a decision of the panel.

An appeal shall be made by lodging your grounds of appeal with Netball Scotland by email to complaints@netballscotland.com, within 14 days of being informed of the decision or posted/delivered by hand FAO COMPLAINTS at Netball Scotland's registered address.

The appeal will be dealt with by a panel containing persons other than the persons on the panel who dealt with the original complaint.

Following the appeal, we will inform you in writing of the final decision as soon as reasonably practicable.

There is no further right of appeal.

No decision or sanction shall be stayed on appeal unless the appeal panel receives and decides to grant an application for stay.

7. MISCELLANEOUS

Where a panel may be appointed, a single person may sit as that panel.

These procedures are for guidance only. They may be applied differently in any given circumstance as Netball Scotland sees fit; for example, in the event that there is no need to investigate an admitted course of conduct.

The panels shall be under no obligation to provide more than a summary of reasons for their decisions and may supplement their reasoning at any time.

A panel may conduct its consideration of any matter by any means including with a hearing, without a hearing but on receipt of written submissions, by telephone conference call or any other means.

If a hearing takes place, the Respondent shall be entitled to be present and may be represented by a representative of their own choice. The Complainant shall not be entitled to attend but may be permitted to attend at the discretion of the panel. The Investigator may be permitted or requested to attend at the direction of the panel.

All persons in membership of Netball Scotland or any person connected to any member of Netball Scotland shall cooperate with any investigation and proceedings further to this procedure.

APPENDIX

1. [RESPECT COMPLAINTS FLOW CHART](#)
2. [RESPECT COMPLAINTS FORM](#)
3. [RESPECT DECISION & OUTCOME FORM](#)
4. [RESPECT APPEAL DECISION FORM](#)