

NUsport Complaint Management Procedure

Member, Participant and Guest



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Section 1 - Introduction

1. This document sets out how NUsport will manage complaints. It should be read in conjunction with the NUsport Complaint Management Policy (the "Policy").

Sections 2 - Definitions

2. Refer to the Definitions section in the Policy for key terms used in this procedure.

Section 3 - Making a Complaint

3. Complaints can be made by any NUsport Member, Participant or Guest and where relevant, their guardian or carer:
 - a. in person to frontline staff or the Coordinator / Manager (for immediate/operational issues). Frontline staff can assist in connecting you with the appropriate Coordinator / Manager; or
 - b. in writing (preferred for formal complaints) via the online form (www.nusport.org.au/talk-to-us/).
4. Complaints should include the following information:
 - a. your name and contact details;
 - b. nature of the complaint (such as a service, facility, activity, process or action);
 - c. details of the issue/incident (dates, times, people involved, what happened);
 - d. impact on you (if applicable);
 - e. desired outcome (optional); and
 - f. supporting documents/evidence.
5. Complaints about child safety or wellbeing will be managed under the Child Safe Policy.

Section 4 - Informal Complaints

6. In the first instance, Complainants are encouraged to try resolving their complaint informally through communication with those involved or connected with the complaint, unless:
 - a. they are uncomfortable engaging with the relevant person;
 - b. the complaint is serious or complex; or
7. going through the informal complaint process would cause the complainant unnecessary or additional stress.
8. In these cases, they may proceed directly to the formal complaint process.
9. Staff are encouraged to report any complaints to their immediate manager if they feel comfortable doing so.
10. If Staff are not comfortable reporting a complaint to their manager, or where doing so would be inappropriate (e.g. due to a conflict), then they may discuss the complaint with either a senior manager or a member of the Human Resources team at NUsport.

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11. If an informal complaint is resolved to the satisfaction of the complainant, no further action under this Procedure is required.
12. If an informal complaint is not resolved, the Complainant may lodge a formal complaint.

Section 5 - Formal Complaints

13. Upon receipt of a formal complaint, an Assessment Panel will be appointed by NUsport's Director Customer Engagement.
14. Assessment Panel must:
 - a. act fairly and impartially;
 - b. exercise independent judgement;
 - c. conduct themselves in a professional manner;
 - d. maintain confidentiality in accordance with the Policy; and
 - e. disclose any actual, perceived or potential conflicts of interest as soon as they become apparent.

Initial Assessment

15. Within 3 Working Days, the Assessment Panel will provide the Complainant with written acknowledgement of the complaint and may ask the Complainant to provide further information.
16. Within 8 Working Days of the acknowledgment, or such other time as is reasonable in the circumstances, the Assessment Panel will assess the complaint and determine to either:
 - a. initiate an investigation;
 - b. take action to address or assist the Complainant to address the complaint without commencing an investigation; or
 - c. decline to investigate or take further action as:
 - i. the complaint is lacking in substance, and/or lacking in sufficient information to enable proper assessment;
 - ii. the complaint is based on misconceived facts, is vexatious, frivolous, trivial in nature, has not been made in good faith, or falls outside the scope of the Policy;
 - iii. the Complainant is acting unreasonably in making the complaint or behaves in a rude, threatening or harassing manner;
 - iv. the complaint (or a complaint that is very similar) is being, or has been, assessed under a different review process (whether external or internal); or
 - v. the complaint is or may become subject to legal proceedings, or requires the assessment of a potential legal claim;
 - vi. the outcome requested by the Complainant cannot be facilitated through the formal complaint process; or
 - vii. the Complainant is an organisation or entity (or an individual acting on behalf of an organisation or entity) that NUsport has a contractual relationship with, and the complaint relates to issues arising from that relationship.

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Investigation

17. During the investigation, the Assessment Panel will take any steps they consider appropriate to assess the facts and reach an outcome, which may include:
 - a. providing the Complainant, Respondent and other relevant stakeholders with an opportunity to provide information relevant to the complaint;
 - b. examining relevant documentation, policies and procedures;
 - c. seeking clarification from any relevant parties on information relating to the complaint;
 - d. seeking advice from third parties, either internally or externally, including legal advice;
 - e. reviewing any actions or decisions arising from an informal complaint process and considering whether they were justified; and
 - f. conducting any alternative dispute resolution processes.
18. The Assessment Panel will record and document all matters relating to the complaint.
19. All parties involved are expected to cooperate with the investigation, attend any meetings and behave in a reasonable and courteous manner.

Outcome

20. The Assessment Panel will follow any internal processes or obtain necessary internal approvals relevant to the nature of the complaint when making recommendations for action associated with the complaint outcome.
21. Where a decision is made that action needs to be taken, NUsport will initiate such action promptly.
22. Once an outcome has been determined, it will be confirmed in writing to the Complainant and any Respondents. The details provided will balance the right of those involved to be informed of outcomes with privacy, confidentiality, health and safety as well as other legal obligations. The outcome of an investigation may be:
 - a. the complaint has been upheld or partially upheld, in which case there may be recommendations for action; or
 - b. the complaint is unsubstantiated and most likely there will be no recommendations for action.
23. The Assessment Panel will endeavour to complete the investigation (including advising of the outcome) within 20 working days of completion of the initial assessment, or such other time as is reasonable in the circumstances.

Section 6 - Appeal

24. A Complainant may ask for their complaint outcome (arising from the formal complaint process) to be reviewed by the NUsport CEO. This is called an appeal. An appeal can be requested by a Complainant if they believe either of the following applies:
 - a. there is substantial new evidence relating to the original complaint that was not reasonably able to be provided or was not otherwise previously available to the Assessment Panel, which if considered would have had the potential to substantially change the complaint outcome; and/or
 - b. there was a lack of procedural fairness in the formal complaint process.

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25. Procedural fairness is about the fairness of procedures followed by an Assessment Panel and NUsport when making a decision about a complaint. The courts of Australia have described certain rules that must be followed to ensure procedural fairness is upheld and a complainant receives a fair process. When these rules are broken a Complainant should be entitled to a review of their complaint outcome. The rules of procedural fairness are that there should be:
 - a. a lack of bias during decision making;
 - b. sufficient evidence to support an outcome; and
 - c. appropriate consideration and investigation into the issues raised in a complaint.
26. A Complainant does not have the right to appeal a complaint outcome solely because they do not agree with the decision made by an Assessment Panel.
27. An appeal must be made by the Complainant in writing and clearly state the reason for the appeal and include any relevant supporting documentation. An appeal must be emailed to the CEO at Brendan.Barrett@newcastle.edu.au.
28. An appeal must be lodged within 15 Working Days of notification of the outcome of the complaint.
29. Receipt of an appeal will be acknowledged within 5 Working Days of the appeal being lodged.
30. The CEO will review the appeal, make a determination and confirm the outcome to the Complainant in writing, giving reasons. The outcome of the appeal will be one of the following:
 - a. allow the appeal and make a fresh determination and/or recommendation(s) for action (which may be the same or different to the original determination and/or recommendations for action);
 - b. dismiss the appeal due to insufficient grounds for appeal; or
 - c. dismiss the appeal because the grounds for appeal are unsubstantiated.

Section 7- External Review Options

31. A Complainant has the right to take their complaint to an external agency, either during the complaint process or after receipt of an outcome. For the avoidance of doubt, there are no further internal avenues for review following an appeal to the CEO.
32. Should a Complainant take their active complaint to an external agency, NUsport may suspend its review pending the external investigation. If an outcome is reached during an external investigation process, NUsport may discontinue any assessments, investigations or reviews of the complaint that are in progress or suspended.
33. External agencies include:
 - a. NSW Ombudsman;
 - b. Anti-discrimination NSW;
 - c. NSW Police;
 - d. NSW Fair Trading;
 - e. Australian Human Rights Commission;

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- f. Australian Competition and Consumer Commission;
- g. Australian Financial Complaints Authority; and
- h. Sport Integrity Australia.

Section 8 - Related Documents

- 34. [NUsport Complaint Management Policy](#)
- 35. [NUsport Terms and Conditions](#)
- 36. [NUsport Code of Conduct](#).

About this Document

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