



HERVEY BAY NETBALL ASSOCIATION

Hervey Bay Netball Association Complaint Management Policy

POLICY TITLE: Complaint Management Policy
DEVELOPED BY: Hervey Bay Netball Association
ADOPTED: 8th January 2018

POLICY PURPOSE

The purpose of this policy is to provide guidelines for the management of complaints related to Hervey Bay Netball Association (HBNA) and its members. This policy sets out the procedures to be followed in dealing with these complaints.

HBNA will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

POLICY STATEMENT OR COMMITMENT

HBNA is committed to ensuring complaints will be addressed a professional, competent and timely manner, in accordance to this Complaint Management Policy.

Complaints relating to the areas of discrimination, harassment and bullying are dealt with according to these guidelines with reference to the HBNA Member Protection Policy.

APPLICATION

This Policy applies to the following people whether they are operating in a paid or unpaid/voluntary capacity at HBNA:

- All players, coaches, managers, umpires and officials participating in HBNA activities
- Individual Members including service award holders and life members.
- Individuals sitting on HBNA boards, committees, sub-committees, and panels.
- Employees and volunteers of HBNA.

This Policy will continue to apply to a person even after they have stopped their association or employment with HBNA if disciplinary action, against that person, has commenced.

POLICY

The person making a complaint is referred to as 'the Complainant'. The person about whom the complaint is made is 'the Respondent'. The 'parties' refer to both Complainant and Respondent. Persons who directly witness an alleged incident are referred to as 'Witnesses'.



HERVEY BAY NETBALL ASSOCIATION

COMPLAINT INFORMATION

Natural justice and procedural fairness

The principles of natural justice apply to all complaints. Natural justice is also known as procedural fairness and applies in situations where a decision could potentially have a detrimental effect on the rights, interests or legitimate expectations of a person.

Procedural fairness requires that:

- The Respondent is heard
- The decision is not biased
- The decision is based on relevant and reliable evidence

It is also important that complaints are dealt with in a timely manner and parties advised of the reason for any delays.

Complaint options

There are informal and formal options for making and resolving complaints. The aim is to resolve most complaints informally where appropriate.

Assessment of a complaint is an important step in determining how a complaint will be handled.

Individuals and organisations may seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

Informal Complaints

HBNA executive officers (President; Vice President; Secretary and Treasurer) have a responsibility to provide assistance with the resolution of complaints. The Complainant and the Respondent also have a responsibility to resolve the issue, and to seek and accept realistic outcomes.

Use of informal options may prevent escalation of conflict and achieve effective resolution of complaints. Informal options apply to the resolution of complaints concerning most day to day operations. Once informal options have been genuinely attempted, or the concern has become persistent or serious, then formal procedures are recommended.

Wherever possible, complaints should be raised directly with the person concerned unless this person is a child, in which case, it is usually more appropriate to contact the relevant coach or manager.

Approaching the person who may be the cause of the complaint and letting them know the impact of their actions may be the most appropriate action. This provides the person with an opportunity to stop or change what they are doing and/or explain their actions.

Informal complaints may be received in a number of ways, including face-to-face contact, email, letter or phone.



HERVEY BAY NETBALL ASSOCIATION

Options for resolving informal complaints

Resolving a complaint informally requires that parties identify the issues concerning their complaint, and agree on a resolution.

Informal options for resolution include:

- Self-resolution – handle the issue personally
- Assisted self-resolution – seek resolution with the help of an appropriate person

See Appendix A for explanation of these options.

Formal Complaints

A formal complaint may be made when:

- a complaint cannot be resolved informally
- where you cannot approach the person directly or remain dissatisfied with their response
- the seriousness of the issue warrants a higher level of formality

If your complaint is not resolved to your satisfaction through the informal process you may make a formal complaint.

Resolving Formal Complaints

Formal complaints received by HBNA may be resolved through a range of options. HBNA Executive are responsible for determining the most appropriate option.

The Complainant or Respondent cannot stipulate the formal procedure to be used to address the complaint; however the HBNA may take into account preferred options indicated by the parties in choosing an appropriate option.

A quick reference document on the formal complaint handling process is outlined in Appendix B.

Options for resolving formal complaints are:

- Dismissal – in some circumstances it may be appropriate to dismiss a complaint. Circumstances that may warrant complaint dismissal include (but are not limited to):
 - Complaints that relate to behaviour/incidents that were addressed at the time
 - Complaints regarding on-court/spectator behaviour that can reasonably be expected to be managed by the umpire/s at the time
 - Complaints that are deemed to be outside of the control of HBNA:
 - Complaints related to club matters
 - Complaints related to decisions made by other organisations/agencies
 - Complaints related to decisions made by appointed sub-committees consisting of club representatives
 - Complaints that do not include sufficient detail to investigate as determined by the Complaint Investigators
 - Complaints that are not submitted in a timely manner (refer to the 'Specified Timeframes for Complaint Submission and Complaint Resolution' section of this policy for further detail)
 - Complaints that are considered by the Complaint Investigators to be frivolous in nature



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- Investigation Procedure – investigation procedure is used for a complaint relating to an alleged serious breach of legislation, policy or procedure.
- Mediation – a structured process aimed at resolution between the parties concerned.
- Referral to external agency (e.g. police etc)

See Appendix C for explanation of these options.

Complaints Related to On-Court Behaviour

Inappropriate behaviour of players during HBNA fixtures are primarily managed by the umpires allocated to that game. Therefore, in most instances, complaints related to on-court behaviour during HBNA fixtures will be dismissed without further investigation.

Exceptions to this may include:

- If HBNA Executive feel that the seriousness of the complaint means that the complaint warrants further investigation.
- Complaints submitted by the umpires on duty
- Persistent/repeated complaints related to a specific person/s (e.g. multiple complaints over a period of time about the same person)

Unsubstantiated or vexatious complaints

If a complaint is found to be unsubstantiated - (did not occur or not proven) – the Complaint Investigators will communicate this outcome to the parties concerned and determine further action if necessary.

If the complaint is found to be vexatious/malicious, the Complaint Investigators may impose remedies/sanctions against the Complainant. Conduct of this nature could result in disciplinary action.

External Procedure

If you feel that you have been harassed or discriminated against you can seek advice from external agencies, such as anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

Serious incidents, such as assault or sexual assault, should be reported to the police.

COMPLAINT SUBMISSION

Specified Timeframes for Complaint Submission and Complaint Resolution

To ensure that natural justice applies to complaint investigation, it is essential that complaints are submitted in a timely manner. In accordance, the following timeframes shall apply:

- Complaints & Incident Report Forms should be provided to the Association within 48 hours of incident occurring. Complaints submitted after this timeframe will only be considered if there are exceptional circumstances.
- Complaints/objections related to the outcome of games must either:



HERVEY BAY NETBALL ASSOCIATION

- be lodged at time of game completion if it could be reasonably argued that the Complainant (team/club complaining) had access to the relevant information at the time of the game (e.g. disputing score recorded / players not on the scoresheet before taking the court). In this instance, complaints/objections should be recorded on the scoresheet.
- be lodged within 5 business days if it could be reasonably argued that the Complainant (team/club complaining) did not have access to the relevant information at the time of the game.

More information related to these types of complaints can be found in the HBNA Competition Guidelines. For matters where rules outlined in the HBNA Competition Guidelines have been breached, the sanctions specified in the HBNA Competition Guidelines shall be applied, irrespective of whether a complaint has been lodged.

The exception to the above timeframes are complaints and incidents that are covered under legislation, such as child protection matters and criminal matters.

HBNA is committed to effective and efficient resolution of complaints and endeavours to finalise all complaints within 21 business days. HBNA endeavours to undertake the following steps in the complaint handling process within the specified timeframes:

- Record – within 2 business days of receipt of complaint
- Acknowledge – within 2 business days of receipt of complaint
- Finalise – within 21 business days of receipt of complaint

Complaint Submission & Information Required

All formal complaints are to be put in writing using the Incident Report Form. This form captures information essential to the investigation and resolution of the complaint. It is important that this form is completed with as much detail as possible. It is preferred that completed Incident Report Forms are submitted via email.

To ensure fairness for everyone involved, HBNA will provide full details of the complaint to the person or persons against whom the complaint has been made (the Respondent/s) and ask for their response. These details will include the name of the person making the complaint (the Complainant), as well as specifics related to the incident.

Where an anonymous complaint is lodged, no action will be taken unless the allegation is reportable conduct under Child Protection legislation, and action must be taken in accordance with this legislation.

For Association related matters, the form should be forwarded to the Association Secretary. If the complaint relates to the Association Secretary, the form should be forwarded to the Association President.

Complaints received by the Association Secretary will be recorded, and forwarded as appropriate to the relevant Complaint Investigators.



HERVEY BAY NETBALL ASSOCIATION

Appointment of Complaint Investigators

HBNA Management Committee may determine and appoint a panel of Complaint Investigators for a complaint. A minimum of 3 persons will be appointed to this panel. These Complaint Investigators may be members of the HBNA Management Committee, or other suitable persons (as determined by the HBNA Executive).

The Complaint Investigators are responsible for assessing, planning and managing an investigation process concerning the allegations to completion of a formal report containing both findings and recommendations. The communication of the report's findings and resolution is the responsibility of a HBNA Secretary or President.

In the event that the HBNA Executive are not permitted to participate in the Complaint Investigation (such as a 'conflict of interest'), a person within the Complaint Investigation team assigned to that complaint will take on the role of communicating the report's findings and resolution.

The Complaint Investigators will:

- assess if there is any conflict of interest
- plan and implement an investigation process
- complete report with findings
- communicate findings/outcomes to parties involved

Access to support

The Complainant and the Respondent may access support. If meetings with the parties are held, the parties may each have one support person present.

Members under the age of 18 who make a complaint are to be offered the support of an adult support person. This may be a parent, guardian, or other significant person.

Guidelines for dealing with complaints may be adapted according to such considerations as the age of members, or other considerations.

COMPLAINT REMEDY & SANCTIONS

Remedy and Sanction Options – Substantiated Complaint

When determining an appropriate remedy/sanction the following factors may be taken into consideration:

- the seriousness of the conduct
- the Complainant's and Respondent's input concerning resolution
- referral to previous cases and consequences

Remedies/sanctions for substantiated complaints may include:

- Counselling and support (Remedy)
- Ongoing monitoring of behaviour (Remedy)
- Facilitated/mediated resolution (Remedy)



HERVEY BAY NETBALL ASSOCIATION

- A written apology and/or a summary of action to be taken (Remedy)
- A formal warning (Sanction)
- A ban/suspension (Sanction)
- Cancellation of Membership (Sanction)
- System improvement (Remedy)

Decisions on appropriate remedies/sanctions involving Members under the age of 18 will consider their age and involvement of, and consultation with, parents/guardians.

Every organisation to which this policy applies (e.g. clubs/teams) shall recognise and enforce any decision and remedy/sanction that is applied under this policy. Sanctions that are imposed upon organisations to which this policy applies (e.g. clubs/teams) shall be deemed to also apply to all members of the organisation in question.

Failure to comply with directed remedies/sanctions are considered a subsequent breach and may result in further sanctions being applied.

COMPLAINT REVIEW / APPEAL

Review

Either the Complainant or Respondent/s may appeal the outcome and request a review of the process. The review will be undertaken by a person nominated by the HBNA Executive. This person must not have served as a Complaint Investigator of the complaint in question.

There is only one right of appeal following the initial determination of complaint resolution.

A request for review (appeal) must:

- be made in writing to HBNA within 3 business days from the date of the finding
- detail the grounds for the review.

A request for review (appeal) may be rejected by HBNA Executive on the basis that the grounds for the review are not satisfied (e.g. if the grounds for review are found to be unsubstantiated).

The person conducting the review will:

- review all relevant material
- make a recommendation to the HBNA Management Committee. The recommendation may include:
 - dismiss the appeal (remedy/sanctions are upheld)
 - uphold the appeal (remedy/sanctions are revoked)
 - impose additional remedy/sanctions
 - reduce, increase or otherwise vary any remedy/sanction imposed in the initial complaint resolution



HERVEY BAY NETBALL ASSOCIATION

Where a review has been requested, the finding that is being reviewed will be put on hold until the review is complete. The Reviewer will record action taken and communicate the outcome of the review to the HBNA Management Committee.

The HBNA Secretary will advise parties in writing of the outcome of the review and the status of the decision.

The decision of the Reviewer is final.

RECORD KEEPING AND CONFIDENTIALITY

Record Keeping

The HBNA Secretary will keep written records of the complaint resolution process and outcomes.

Formal complaints will be recorded on the Hervey Bay Netball Association Incident Register (held by HBNA Secretary) and notes related to the management of the complaint will be recorded on a Hervey Bay Netball Association Incident Resolution Record (see Appendix D for an example).

Complaint records will be filed and stored appropriately.

Confidentiality

To maintain confidentiality in so far as that is reasonable all participants in the process, particularly the Complaint Investigators, should restrict the information about the complaint to those who need to know.

All participants in the process also need to be informed of the importance of confidentiality and also that unfair repercussions or victimisation in any form is unacceptable and if evident could result in disciplinary action.



HERVEY BAY NETBALL ASSOCIATION

Appendix A: Options for Resolving Informal Complaints

Options for Resolving Informal Complaints

The following options should be considered in order of priority.

Option 1: Self-resolution - Talk with the other person (if safe, reasonable and appropriate)

As a first step you (the Complainant) should try to sort out the problem with the person or people involved if you feel confident to do so. This option is based on respectful discussions by the parties themselves which take into consideration each person's needs.

Option 2: Assisted self-resolution - Contact a Member Protection Information Officer (MPIO) or similar

Where Option 1 is not possible or reasonable; if you are not sure how to handle the problem by yourself; if you want to talk confidentially with someone and find out what options are available to resolve the problem; or the problem continues after you approached the other person, HBNA encourages you to contact:

- a Member Protection Information Officer (MPIO);
- another appropriate person within the club/association (eg administrator, team manager, coach etc).

An MPIO or similar appropriate person may:

- take notes about your complaint (which should be kept in a secure and confidential place);
- ask what outcome you would like, how you want the problem resolved and if you need support;
- explain how the HBNA complaints procedure works;
- provide possible options for you to resolve the problem;
- act as a support person if you so wish;
- refer you to an appropriate person to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

After talking with the MPIO or similar appropriate person you may decide:

- there is no problem and no further action is required;
- the problem is minor and you do not wish to take the matter forward;
- to resolve the problem on your own, with or without a support person such as a MPIO;
- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.



HERVEY BAY NETBALL ASSOCIATION

Appendix B: Formal Complaint Handling Process

Formal Complaint Handling Process		
Complaint Received		<ul style="list-style-type: none"> Acknowledge receipt of complaint within 2 business days Forward complaint to Complaint Investigators (if appropriate) within 5 business days <p>NOTE: On occasions, the Secretary email inbox may not be attended. In this event, an 'out of office' message should be on this inbox advising of alternative email address where correspondence can be forwarded.</p>
Complaint Assessed		<ul style="list-style-type: none"> HBNA Executive to assess complaint and determine resolution pathway as per options outlined in Appendix C. Resolution options for formal complaints include: <ul style="list-style-type: none"> Dismissal Investigation Mediation Referral to external agency
Complaint Resolution Pathways	Option 1: Dismissal	<ul style="list-style-type: none"> Review list of circumstances that may warrant complaint dismissal, as outlined in the Complaints Management Policy – 'Resolving Formal Complaints' section. Communicate resolution outcome to HBNA and Complainant.
	Option 2: Investigation	<ul style="list-style-type: none"> Review the information provided by the Complainant and seek further information from the Complainant if required. Communicate the details of the complaint to the Respondent/s and offer the Respondent/s the opportunity to respond. The Respondent(s) will be given sufficient information to enable them to properly respond to the complaint. Respondent must respond within 5 business days from date of notification of complaint. <ul style="list-style-type: none"> If, within 5 business days, Respondent does not respond or does not dispute complaint the complaint is deemed to be undisputed, and can move to resolution/remedy without further investigation. If Respondent disputes complaint, witness statements should be sought Contact potential Witnesses (if applicable) to request a witness statement. Witnesses should be asked to provide any witness statements within 5 business days from date of request. <ul style="list-style-type: none"> If statements are not received within defined timeframe, and no further investigative options are available, complaint should move to resolution/remedy Review all available statements/information and make a finding as to whether the complaint is: <ul style="list-style-type: none"> substantiated (there is sufficient evidence to support the complaint); inconclusive (there is insufficient evidence either way); unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or mischievous, vexatious or knowingly untrue.



HERVEY BAY NETBALL ASSOCIATION

Complaint Resolution Pathways	Option 3: Mediation	<ul style="list-style-type: none"> • Review the information provided by the Complainant and seek further information from the Complainant if required. • Communicate the details of the complaint to the Respondent/s and offer the Respondent/s the opportunity to respond. The Respondent(s) will be given sufficient information to enable them to properly respond to the complaint. • Respondent must respond within 5 business days from date of notification of complaint. <ul style="list-style-type: none"> ▪ If, within 5 business days, Respondent does not respond or responds, but disputes complaint – discontinue Mediation pathway and reassess complaint resolution pathway options (Investigation option may be more appropriate) ▪ If Respondent replies within the specified timeframe and agrees with the version provided by the Complainant – continue exploring option of mediation • Communicate recommendation of mediation to Complainant and Respondent • If either party does not agree to mediation – discontinue Mediation pathway and reassess resolution pathway • If both parties agree to mediation – appoint a mediator • Mediator meet with both parties to work through the issue towards a mutual solution • Mediator to provide outcome to HBNA
	Option 4: Refer to External Agency	<ul style="list-style-type: none"> • Advise Complainant and Respondent that matter will be referred to external agency • Refer matter to external agency as per complaint reporting process of the specific agency • Assist external agency as required • Report to HBNA • Notify governing bodies (e.g. Netball Queensland) if required
Determine Remedy/Sanction		<ul style="list-style-type: none"> • If an allegation/complaint is substantiated, the Complaint Investigators will determine appropriate remedy and/or sanction • Remedy/sanction to be communicated to HBNA and impacted parties (Complainant & Respondent) • Advise parties of their right to appeal • Record of complaint to be provided to Secretary so that it can be recorded in Incident Register and record stored in Incident File.
Apply Remedy / Sanction		<ul style="list-style-type: none"> • If a remedy/sanction is specified, this must be completed within the defined timeframe. • If remedy/sanction is not completed as directed, this is considered to be a further breach and shall be subject to further sanctions



HERVEY BAY NETBALL ASSOCIATION

Review Complaint (if requested)	<ul style="list-style-type: none">• Receive request for review in writing from either Complainant or Respondent• request must:<ul style="list-style-type: none">▪ be provided in writing within 3 business days from date of notification of complaint resolution; and▪ specify grounds for review• Appoint a suitable person to review complaint. This person will:<ul style="list-style-type: none">▪ Review all relevant material▪ Make a recommendation to HBNA Management Committee• Communicate outcome of review to all parties
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Appendix C: Options for Resolving Formal Complaints

Options for Resolving Formal Complaints

If your complaint is not resolved to your satisfaction through the informal process you may make a formal complaint.

Formal complaints received by HBNA may be resolved through a range of options. HBNA Executive are responsible for determining the most appropriate option. These options include:

Option 1: Dismissal – No further action

In some circumstances complaints may be dismissed. See the section 'Resolving Formal Complaints' for further information.

Option 2: Investigation – Reach determination through investigation

In some circumstances, an investigation may be required to determine the facts surrounding the complaint, as well as produce findings and recommendations. In this instance, HBNA may appoint Complaint Investigators. See the section 'Appointment of Complaint Investigators' for further information.

The Complaint Investigators will:

1. Review the information provided by the Complainant and seek further information from the Complainant if required.
2. Communicate the details of the complaint to the Respondent/s and offer the Respondent/s the opportunity to respond. The Respondent(s) will be given sufficient information to enable them to properly respond to the complaint.
3. Gather any further statements from Witnesses etc or other relevant evidence if there is a dispute over the facts,
4. make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - mischievous, vexatious or knowingly untrue.
5. Communicate findings and remedy/sanction to HBNA and parties involved
6. Advise parties of their right to appeal

Option 3: Mediation – Discuss different viewpoints

Mediation is a process that allows all people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutual solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do.



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Instead, he or she helps those involved talk through the issues making sure that the process is as fair as possible for all concerned.

Mediation will only be recommended:

- after the Complainant and Respondent have had their chance to provide their version of events
- when HBNA does not believe that any of the allegations warrant any form of disciplinary action - serious allegations will not be mediated, no matter what the Complainant desires; and
- when mediation looks like it will work (i.e. the versions given by the Complainant and Respondent tally or almost tally and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).

Mediation will not be recommended if:

- the Complainant and Respondent have different version of the events and they won't deviate from these;
- the Complainant or Respondent are unwilling to attempt mediation;
- the issues raised are sensitive in nature;
- there is a real or perceived power imbalance between the people involved;
- the matters involve serious, proven allegations;
- the complaint is not suitable for mediation due to the nature of the complaint, the relationship between you and the Respondents and any other relevant factors.

If mediation is chosen to resolve the complaint the HBNA will, in consultation with the Complainant and the Respondent(s), arrange for a mediator to mediate the complaint.

The mediator's role is to assist the Complainant and Respondent(s) reach agreement on how to resolve the problem. The mediator, in consultation with the Complainant and Respondent(s), will choose the procedures to be followed during the mediation..

The mediation will be conducted confidentially and without prejudice. The rights of the Complainant and the Respondent(s) to pursue an alternative process if the complaint is not resolved will be preserved.

At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the Complainant and Respondent(s) and it will be signed by them as their agreement.

If the formal complaint is not resolved by mediation, the Complainant may:

- Advise HBNA within 5 days of the mediation to request that they reconsider the complaint; or
- Approach an external agency such as an anti-discrimination or equal opportunity commission to resolve the matter.

Option 4: Refer to external agency (e.g. police)

Serious incidents, such as assault or sexual assault, should be reported to the police. Complaints related to reportable conduct under Child Protection legislation, must be referred to the appropriate agency in accordance with this legislation.



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Appendix D: Incident Resolution Record Sample

Hervey Bay Netball Association Incident Resolution Record

Incident Outcome	CLOSED		Incident ID	2018APR22
Incident Date	April 22, 2018		Investigators	Jack Green
Incident Time	12:30pm			Joan Brown
Location	HBNA Courts			John Black
Complainant	Joe Bloggs			
Respondant/s	Peter Piper			
Witnesses	Benjamin Button			
Investigation Notes				
23/04/2018	HBNA Secretary received email from Joe Bloggs with incident report.			
24/04/2018	HBNA Secretary emailed Joe Bloggs to acknowledge receipt of incident report.			
24/04/2018	HBNA Secretary forwarded to HBNA Executive			
26/04/2018	<p>HBNA Executive discussed incident and determined:</p> <ul style="list-style-type: none"> • Incident alleges Peter Piper tripped Joe Bloggs intentionally, causing injury – and identifies Benjamin Button as a witness to the event • Investigation Option is most appropriate for complaint resolution • Complaint Investigators appointed: <ul style="list-style-type: none"> ○ Jack Green ○ Joan Brown ○ John Black • HBNA Secretary to communicate Complaint Resolution Pathway (Investigation) 			
27/04/2018	HBNA Secretary emailed Joe Bloggs to advise that complaint will be investigated as per HBNA Complaints Management Policy (and provide link to policy).			
27/04/2018	HBNA Secretary emailed Complaint Investigators and provided copy of Incident Report; contact information for Complainant; Respondent and Witness; and this Incident Resolution Record.			
29/04/2018	Complaint Investigators contacted Peter Piper and advised of complaint and provided opportunity for Peter Piper to respond within 5 business days.			
05/05/2018	<p>No response received from Peter Piper. Complaint Investigators deem complaint to be undisputed. Complaint Investigators reviewed complaint and determined:</p> <ul style="list-style-type: none"> • Breach of code of conduct • Sanction of Formal Warning to be applied 			
Resolution				
06/05/2018	Outcome communicated to HBNA Secretary and Complainant and Respondent			