

# NZHF COMPLAINTS POLICY

## Complaint handling principles

As a National Sports Organization (NSO) we are committed to handling complaints in a fair, just and transparent way. The NZHF will ensure we follow clear processes and procedures at all times.

In particular, we are committed to adherence to the following principles and will:

- Treat complaints seriously
- Act promptly
- Treat people fairly and consider both sides
- Stay neutral
- Keep parties to the complaint informed
- Maintain confidentiality
- Protect against victimisation
- Keep accurate records
- Make decisions based only on information gathered not personal views
- Ensure disciplinary action is relative to the breach

## Complaint handling options

The NZHF will deal with complaints in a number of ways:

- Informally for less serious complaints e.g. misunderstandings and minor issues.
- Formally in some circumstances, e.g. when investigation and correction measures need to be put in place.
- By referral to an external agency for very serious issues e.g. when the situation could have some severe repercussions.

The NZHF will in some circumstances seek the support of external parties to deal with a complaint. For example, if a fair process can't be guaranteed because the person being complained about is also responsible for dealing with complaints. The Complaints Review Officer will be responsible for ensuring informal and formal review processes are fully documented and retained in a confidential file with the NZHF records.

NB Any reference to days in this procedure does not include a day falling within the Christmas-New Year fortnight or Easter period.

## Timeframe for Lodging Complaints

A complaint must be received by NZHF's Complaints Officer or the Secretary General in writing **not later than 14 days following the incident** that has led to the complaint. The NZHF reserves the right to consider complaints received later than this, but will only do so if satisfied that the delay in being able to consider the complaint will not compromise natural justice and the seriousness of the complaint warrants it being considered.

## Process for dealing with a complaint

When a complaint is received by the NZHF this will immediately be referred to NZHF's Complaints Officer who is responsible for ensuring the correct procedures are followed.

Should there be a conflict of interest; NZHF's President must delegate the role of Complaints Officer to another member of the NZHF Executive Committee or suitable party.

The Complaints Officer (or the Complaints Officer's delegate) will meet with the complainant **within 7 days of receiving the complaint** and:

### (a) Listen

- Let the complainant have their say
- Check whether they are making a formal complaint or simply informing NZHF of a disagreement
- Ask appropriate questions to clearly understand the nature of the complaint
- Explain any limits to confidentiality (absolute confidentiality cannot be provided if there is a suspicion of criminal behaviour)
- Ask the complainant how they want the matter to be dealt with
- Provide **a timeframe of up to 14 days after meeting with the complainant** within which there will be an initial investigation and a response provided back to the complainant with progress towards resolution of the issue
- Create a record of the meeting in writing and provide a copy of the report to the complainant

### **(b) Inform**

- Let the parties involved know about the complaint, including advising any person/s being complained about of that a complaint has been made and any likely investigation
- Make a decision on whether a copy of the complaint should be sent to the person being complained about (this will occur unless the Complaints Officer is satisfied there is good reason not to provide a copy to that person)
- Keep everyone informed of the timeframe for an investigation

### **(c) Gather Evidence**

- Identify what information is needed and who can best provide it to inform decision making
- Gather information and witness statements if these are appropriate to the situation

### **(d) Consider Options and Decide**

Having defined the seriousness of the issue, the Complaints Officer will determine the most appropriate course of action to take. In doing this the Complaints Officer will take into account the MOST appropriate statement from the following:

- the person complaining wants the issue sorted out informally
- the complaint appears to be about a lack of information or understanding of NZHF policy
- the complaint is frivolous or vexatious
- the person complained about is not a Stakeholder (as defined in NZHF's Constitution) or the NZHF does not otherwise have jurisdiction to consider the complaint
- the complaint is more appropriately referred to another agency to deal with
- the complaint concerns unfair or inappropriate behaviour
- previous attempts to resolve the issue informally have not been successful
- the complaint is about more than one person
- the complaint about the person has been made before the behaviour is repeated
- the complaint about the person has been made after the behaviour has been repeated
- the person complaining is looking to apportion blame and seek disciplinary action
- the complaint is about the NZHF culture (systemic)
- there is a risk of significant harm or harm has occurred
- the complaint has resulted in or is likely to result in significant detriment to any person(s)

Having considered the above, the Complaints Review Officer will then consider the options and make a decision on the most appropriate course of action as follows:

### **INFORMAL PROCESSES**

The Complaints Review Officer will choose an informal complaint process if:

- The issue is not unlawful
- The complaint is frivolous or vexatious
- The issue is of low risk of harm on other people
- The person complaining is not looking to lay blame or want disciplinary action, unless the Complaints Officer considers the seriousness of the issue warrants escalation
- The problem can be resolved by clarifying NZHF's policies or rules
- The behaviour being complained about has been observed by others and the Complaints Officer is satisfied the seriousness of the issue is insufficient to warrant escalation
- The person complaining requests this option, unless the Complaints Officer considers the seriousness of the issue warrants escalation

If an informal process option is chosen the Complaints Review Officer may decide to take the following action:

- Provide more information to the person complaining
- Suggest the person complaining talks directly with person complained about
- Facilitate an informal discussion with all those involved
- Find a time to talk privately with the person being complained about, ask for their perspective on the issue and what might have led to this being a concern, and seek their ideas on how to sort out the issue
- Check what further support might help the person complained about and/or the person complaining in their role
- Get back to the person complaining with the outcome and monitor the situation
- Keep a record of the complaint and its resolution/outcome with the NZHF records.

## **FORMAL PROCESS**

The Complaints Officer may choose a formal complaint process if:

- The issue is not unlawful but cannot be resolved easily
- The issue is unlawful and/or there is a risk of harm to others
- There is a conflict of interest
- The complaint has not been or is unable to be resolved through informal processes

Formal processes involve following more structured processes and may involve other (external) parties to resolve the issue. Under NZHF's Constitution, if the person complained about is a Stakeholder (as defined in the Constitution) this requires the complaint to be referred to NZHF's Executive Committee, with the person complained about invited to attend a meeting of the Committee to explain themselves. Any such meeting may not necessarily take the form of a formal Complaints Panel hearing, if the Complaints Officer considers the matter might be able to be appropriately resolved without that extra layer of formality. Examples of formal processes that the Complaints Review Officer might choose to use are:

A. Mediation

B. A formal NZHF's Complaints Panel hearing

C. Referral to an external agency

### **A. Mediation**

This will be considered where:

- One person has laid a complaint about the behaviour of another person
- Both the person complaining and the person complained about are agreeable to mediation taking place
- The NZHF is looking for a win-win solution so that it doesn't lose valuable members, and is satisfied that referral to a formal hearing or other escalation is not necessarily required.

Steps to follow

The Complaints Officer will:

- Seek agreement of both parties to participate in a mediation process
- If agreement is reached, identify and appoint an independent mediator that is satisfactory to both parties (it cannot be the Complaints officer)
- Coordinate arrangements for the mediated session on a date, time and place agreed by the parties
- Note: If there is no agreement reached to mediate then this option cannot proceed

### **B. NZHF's Complaints Panel hearing**

This will occur when:

- Mediation is not possible
- There is a possible detriment to either party if the complaint is unresolved
- The parties have not been able to resolve the problem themselves
- Outcomes could include disciplinary sanctions including suspension or expulsion from membership or referral to an external authority.

Steps to follow:

The Complaints Officer will:

- Arrange a meeting of the Executive Committee, or a Complaints Panel sub-committee of the Executive Committee which may include one or more external persons to provide additional objectivity and expertise. Where there is a possible conflict of interest or close relationship between anyone on the Executive Committee and any of the parties to the complaint, those persons shall be required to step aside
- Arrange a date, time and place for the hearing at the earliest possible time
- Advise all parties to the complaint, in writing, of the date, time and place for the judicial hearing and the process that will be followed during the hearing, with the person complained about given at least 14 days' notice of the hearing
- Ensure both parties are given an opportunity to tell their side of the story before making decisions
- Appoint a representative of the Complaints Panel to gather more information and report back to the Panel with recommendations before decisions are made if required
- Ensure that decisions are made based on fact
- Ensure decisions are clearly communicated to all parties and they are offered a right of appeal
- Ensure the committee reviews its policies following each Complaints Panel hearing and communicate the policies to members and personnel to prevent further similar issues arising.

### **C. Referral to an external agency**

All very serious allegations require urgent action and usually involve an investigation.

Options for handling very serious complaints include:

- Referral to police
- Referral to a child protection authority
- Referral to an anti-discrimination agency

In addition, where complaints relate to staff or volunteers or members of another agency, the NZHF may not have jurisdiction to formally consider the complaint, in which case the Complaints Officer will offer appropriate support to the person complaining, and if appropriate refer the complaint to that other agency.

The Complaints Officer will refer complaints to an external agency when:

- The NZHF's rules and disciplinary procedures do not empower NZHF to be involved in the complaint, but its seriousness warrants investigation by an appropriate agency
- After gathering information, the Complaints Officer is satisfied the seriousness of the complaint requires escalation to an external agency
- The complaint involves harm to a child
- The complaint involves allegations of sexual or physical assault or abuse
- The issue complained of may for any other reason be criminal or unlawful
- An external investigation is required in order for the complaint to be properly considered