**COMPLAINTS POLICY**

Disability Sport and Recreation Hawke’s Bay (DSRHB) recognises Te Tiriti o Waitangi as Aotearoa New Zealand’s founding document and is committed to actively engaging and promoting the five principles of Tino rangatiratanga, Equity, Active protection, Options and Partnership.

**Values**

Everyone involved in play, active recreation and sport joins with good intentions and we are all expected to do our best to treat each other with respect and comply with our policies and rules. Despite this, problems sometimes arise.

Children and young people in particular must be cared for, treated with respect and their welfare placed at the centre of everything we do.

DSRHB knows everyone involved in the activity/sport is here because of a shared passion

for the (name sport or activity) and care for the people involved.

When people involved in activity/sport get into disagreements it can become a serious issue. DSRHB is committed to supporting everyone, including participants, coaches, volunteers, whānau and supporters to participate in an environment that is respectful, safe, and fair.

DSRHB acknowledges it is important to everyone involved to respond quickly, fairly and thoughtfully to address issues. People are entitled to raise concerns or complaints and to have them addressed

promptly and fairly. No one should be punished or victimised for raising a concern or a complaint in good faith.

This policy is centred on equity, dignity, respect and maximising the potential of all members of DSRHB.

The following principles should be kept in mind when applying it:

* Respect for the culture(s) of the people involved including having culturally appropriate processes to
* resolve complaints and restore relationships.
* Addressing problems informally and face to face, wherever possible.
* Treating others fairly, equally and in a way that keeps their mana intact.
* Maintaining relationships and keeping each other safe.

**This policy sets out the steps for raising and dealing with concerns and complaints. It aims to:**

* support people to resolve minor issues on their own
* give clear guidance for making, dealing with and resolving complaints
* make sure the approach taken to dealing with complaints is fair and consistent including enabling culturally appropriate responses and processes.

**Who can make a complaint?**

Complaints can be made by or about anyone involved in DSRHB.

This includes: volunteers, participants, supporters, club members, employees, service providers, and

families/whānau of participants. Complaints may also be about the Committee of DSRHB.

**What can complaints be about?**

Complaints may be made about things such as actions or decisions of organisation members or officials, processes not being managed well (or at all), disagreements between members, unprofessional or upsetting behaviour, or delays or failure to communicate about matters affecting a person.

Complaints may involve:

* organisation management issues
* conflicts of interest (including favouritism)
* off-field unsporting behaviour
* disrespectful behaviour
* bullying (see below)
* sexual harassment (see below)
* discrimination
* abuse of power
* health and safety risks
* offensive/insulting language or behaviour.

This complaints process does not apply to code-specific in-play decisions, or selection or eligibility decisions.

Serious complaints (e.g. unethical, dishonest or illegal behavior, harassment (sexual, racial or otherwise)

bullying, health and safety risks, unlawful discrimination, and offensive/insulting language or behaviour) may be breaches of other DSRHB policies. These will be assessed and may be dealt with under those other policies.

If you are unsure whether the Complaints Policy and Process applies to your situation, the Committee can provide guidance.

Serious complaints involving illegal behaviour should be directed to the relevant authorities, eg. Police.

**Informal resolution first**

People are encouraged where possible to raise concerns directly with the person who has behaved in a way causing concern, unless there are safety reasons, or the issue is too serious to resolve in this way. It can be helpful to discuss the issue with a trusted friend or family member for another point of view and support before raising the concern directly with the person. Self-managed informal resolution needs to be approached respectfully. The parties involved should have a chance to be heard and feel safe to be able to say what they want to say, keeping in mind the need to find ways to resolve issues and be able to work with one another in future. It is open to any party to have a support person involved. A support person might assist, for example, in raising the complaint with the person initially or joining a conversation between the parties.

If self-managed informal resolution has not resolved the issue, it should next be raised with the DSRHB Chairperson, who, in consultation with those involved, will suggest a culturally appropriate process to try to resolve it. This may include holding a facilitated meeting or following a process that meets the needs of the people involved.

**Formal complaints resolution - advice to those with a complaint**

*What do I need to do?*

Formal complaints should be made in writing, as soon as possible after the event(s). If you can, please use the

attached Complaints Form. Where this is not possible, you can make a verbal complaint and

DSRHB will assist you to put it in writing.

*Who do I make the complaint to?*If the complaint is about a member or employee/contractor of DSRHB, the complaint can be raised with the Committee Chairperson. If the Committee Chairperson is involved in the issue or has a conflict of interest, the complaint should be made or passed to another suitable person in authority.

*How will I be treated?*

A person making a formal complaint to DSRHB can expect to be treated in line with the following principles:

**Fairness:** Every person dealing with a complaint will remain neutral and listen to both sides of the story.

**Respect:** Every person involved in a complaint will be treated and is expected to act towards others with respect, dignity and in a culturally appropriate way. Complaints will be raised and handled sensitively, with a goal to preserve relationships by acknowledging each other’s role and contribution to the sport.

Communication: Every person involved in a complaint will be regularly kept up to date on progress and the

outcome.

**Confidentiality:** Information relating to a complaint will not be shared with any other person without consent,

unless fair process or the law require the information to be shared with a person or an authority. This will be discussed with the person providing the information.

**Restoration:** The goal is to resolve so far as possible the particular complaint to the satisfaction of all parties,

restore people’s mana and maintain positive relationships within the organisation and across the sporting and wider community.

**Acknowledgement:** Every person admitting fault or found to be at fault after a fair process will be asked to

acknowledge their fault to those harmed, acknowledge the harm and provide an apology.

**Support:** Both the person making the complaint and person complained about should have access to support

throughout a complaint process. Everyone involved in a process may be accompanied by chosen family/whānau and/or other support people. Any person may obtain independent legal advice or representation at any stage (at their expense).

*What is the process for DSRHB resolving a complaint?*

The persons dealing with the complaint must acknowledge receipt of the complaint as soon as it is received. It is always best to send a written acknowledgement to the person making the complaint, so they know their complaint has been received and is being taken seriously.

An initial contact should be made to discuss the next steps, support and any child welfare or safety concerns the complainant has. The complainant should be asked how they would like their complaint addressed, the process they would prefer and what outcome they are seeking.

It is important that the person who receives the complaint explains to the complainant that to resolve the complaint fairly to everyone involved, they will usually need to tell the person or persons of the complaint made against them, give them all relevant information, and discuss a process for resolving the complaint. If the person is under 18, their parent/guardian must also be notified. If the complainant is not willing to have their complaint or identity shared with the person or persons concerned, other ways to resolve the complaint will have to be discussed.

The person who made the complaint and any other relevant people may be asked to give further information in a way that is comfortable to them (face-to-face, with support person or people if desired, by phone, videocall or email).

Complaints should be raised with the person who is complained about in a way that preserves the dignity and mana of that person, their whānau and wider community.

The person handling the complaint will usually meet separately with the person making the complaint and the person complained about. These meetings will be at a time and place and run according to a protocol/agenda that suits everyone, to the extent possible. People may be accompanied by chosen family/whānau and/or other support people.

These meetings should take place as soon as possible and ideally within two weeks of the complaint being received. Where it is not possible to meet face to face, the meeting can be held by phone or videocall if people agree and have access to technology.

Resolution of the complaint will be determined in a careful, reasoned way that is justified on the facts and is consistent with any rules that apply. The proposed resolution should be recorded in writing with a simple explanation of:

• the issue

• any applicable policy or rule

• the process followed

• the facts and any evidence relied on

• any submissions or explanations by anyone involved

• the decision /proposed resolution

• the reason for the decision /proposed resolution

• any restorative actions or outcome

• any recommendations to seek independent professional arbitration/mediation services to help repair relationships

If it is not possible to reach a resolution the person handing the complaint may pass the matter to the Sport and Recreation Complaints and Mediation Service (SRCMS). (Refer below)

*Communicating the outcome*

The person handling the complaint(s) will promptly provide a copy of the decision/proposed resolution to the person or organisation the complaint is about, and the complainant, and outline any appeal process. The outcome should be discussed so the parties understand the decision and why it was made, and what will

happen next.

The people affected by the decision (the complainant, the person or people complained about, family/whānau and wider community) may have strong feelings about the outcome and the impact on their reputation, rights, or mana. There should be a discussion about what steps can be taken to restore relationships and mana of everyone involved. Support should be explored, especially if there are any concerns

about health, wellbeing, or safety.

All matters related to a complaint should be recorded in writing and placed on a confidential complaint file including the complaint, any response to the complaint, notes of any meetings or conversations, relevant documents, committee minutes, the decision, and any outcome. The details of all complaints will be kept confidential unless otherwise agreed between the parties or required to be disclosed by law.

**Formal Complaints Procedure – DSRHB as an organisation**

Where a formal complaint is made or referred to DSRHB as an Organisation, the Committee Chairperson may refer you to Sport and Recreation Complaints and Mediation Service (SRCMS). This is a safe and independent way for anyone to lodge a complaint, issue or dispute and have it resolved in a timely manner.

The service is free and is open to anyone involved in community sport and recreation as well as elite sport. The service is operated by Immediation New Zealand Limited, an online dispute resolution company which has been contracted by Sport NZ. It is wholly independent of Sport NZ, High Performance Sport New Zealand and all other sporting bodies, clubs, and organisations.

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