Invercargill
ROWING CLUB

Complaints Procedure

Commitment to Te Tiriti o Waitangi

The Invercargill Rowing Club (IRC) recognises Te Tiriti o Waitangi as Aotearoa New Zealand's founding document.
IRC is committed to upholding the mana of Te Tiriti o Waitangi and the principles of Partnership, Protection and Participation.

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

IRC knows everyone involved in the sport is here because of a shared passion for rowing and care for the people involved.

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

Complaints Policy

IRC 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 people in the rowing club. 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.

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Purpose

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.

Application

People are encouraged where possible to raise concerns directly with the person who has behaved in a way causing concern. 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

Who can make a complaint?

Complaints or concerns can be made by or about anyone involved in the IRC.

This includes: volunteers, participants, supporters, club members, employees, service providers, and families/whānau of participants. Complaints may also be about the committee of IRC.

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

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- 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 behaviour, harassment (sexual, racial or otherwise) bullying, health and safety risks, unlawful discrimination, and offensive/insulting language or behaviour) may be breaches of other IRC policies, e.g. Disciplinary Procedure and Appeals Policy or similar. 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 IRC sub-committee/complaints officers can provide guidance.

Guidance and support can also be sought from **Immediation NZ**, which is part of the Sport Integrity Commission. Immediation NZ is an impartial organisation independent of IRC and will keep details of complaints confidential unless and until the complainant wishes otherwise. Immediation NZ complements the complaints policies and processes of IRC and is a resource available free of charge to assist people to raise and resolve complaints. https://sportintegrity.nz/making-a-complaint/help-for-you

Informal resolution first

People are encouraged where possible to raise concerns directly with the person who has behaved in a way causing concern. 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.

Sometimes it is not possible to raise the concern directly, for example:
- there are safety reasons or
- the issue is too serious to try to resolve this way or
- the complainant wishes to remain anonymous.

In these situations, people are encouraged to contact the Immediation NZ for guidance in raising the complaint. Immediation NZ can also discuss with you issues such as anonymity and practical considerations in raising complaints. If self-managed informal resolution has not resolved the issue, it should next be raised with:
- the IRC Committee 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; or

- Immediation NZ, which can provide the individuals involved and committee with:
  - guidance to move the issue forward to a constructive process; and
  - access to Immediation NZ facilitators and/or mediators should the parties wish to have a facilitated discussion.

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 IRC will assist you to put it in writing.

Who do I make the complaint to?

You have a choice.
Complaints may be made directly to IRC management committee or to Immediation NZ.

Immediation NZ is a good option where:

- it would be helpful to talk to someone in confidence before making the complaint about how best to go about it and what to expect;
- you wish to remain anonymous;
- there is a dispute between people that is escalating or causing problems within the sport or active recreation area;
- the sub-committee or club officials that the complaint would usually be made to is involved with the issue or has a conflict of interest;
- the complaint is serious or urgent in nature;
- it will be important for either or both the complainant or person complained of to have the matter resolved through a culturally appropriate process; or
- it would assist for one or more parties to have access to free and confidential counselling services.

If you contact Immediation NZ for initial advice and wish to proceed with a complaint, you are free to move forward with Immediation NZ or make it directly to IRC. If you choose to move forward with Immediation NZ, any complaint can be made directly to it by phone or in writing. For contact details see https://sportintegrity.nz/making-a-complaint/help-for-you

How will I be treated?

A person making a formal complaint to the IRC management committee 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.

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- **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 requires 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 IRC Management Committee resolving a complaint?

For complaints made directly to it, IRC will promptly acknowledge receipt. Depending on the nature of the complaint, IRC complaints sub-committee members will contact the complainant to discuss the next steps, support and any child welfare, wellbeing or safety concerns the complainant has.

IRC complaints sub-committee members will inform the complainant that the complaint (and relevant information) will be shared with:

- individuals within the organisation who are responsible for addressing the complaint; and
- the person or organisation complained about.

Complaints will be raised with the person complained about in a way that preserves the dignity and mana of that person, their whānau and their wider community. If the complainant is not willing to have their complaint or identity shared with the person complained about, IRC complaints sub-committee members will advise that the complaint may not be capable of resolution to the complainant's satisfaction. In these circumstances, IRC will suggest referral of the complaint to Immediation NZ to act as an intermediary.

If the complainant is under 18, IRC will generally encourage the complainant to notify their parent/guardian and have a parent/guardian involved in the complaint resolution process. If the person complained of is under 18, their parent/guardian must be notified and must be present at any discussion about the complaint.

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An appropriate person from IRC management committee will ask the complainant how they would like their complaint addressed, the process they would prefer and what outcome they are seeking. The organisation will, in light of the principles on page 1 of this policy, determine a process that can accommodate the parties to the extent reasonably practicable. IRC may seek guidance from Immediation NZ - without breaching any confidences agreed with the complainant - on the most appropriate complaints resolution process in the circumstances.

IRC complaints sub-committee members will:

- identify and clearly communicate to the complainant what resolution process it proposes to use; and
- talk with the complainant to seek their agreement to that process before it is put in place.

Possible resolution processes that IRC may put in place include:

- consideration of the issues raised by the person or organisation complained of and provision of a written explanation for their or its actions
- dialogue between the parties, facilitated by the organisation;
- dialogue between the parties facilitated by Immediation NZ;
- mediation between the parties facilitated by Immediation NZ (which is a structured dialogue facilitated by an expert mediator);
- use of a decision-making process by IRC; (see next section)
- referral of the complaint to Immediation NZ for triage and consultation with the parties to navigate from the initial complaint to an agreed resolution pathway.

IRC will generally use referral to Immediation NZ where the person complained of refuses to engage and cannot be compelled to engage (for instance, because they are a supporter or volunteer with no formal links to the organisation).

Organisation Decision-Making Process

The following steps or considerations will apply to any decision-making process used by IRC to resolve a complaint:

- We will provide the complainant and the person or organisation complained of, in advance of the process, with an overview of the structure of the process, the identity of the decision maker(s) and expected timeframe.
- We may ask the complainant and any other relevant people, including the person or organisation complained of, to give further information in a way that is comfortable to them.
- The decision maker 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 will be 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.
- IRC will try to schedule these meetings as soon as possible and ideally within four weeks of the complaint being received.

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- 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.
- Decisions should be made in a careful, reasoned way that is justified on the facts and is consistent with any rules that apply.
- The decision-maker will make their findings on the balance of probabilities.
- The decision will be recorded in writing and state, in plain language:
    - the issue
    - any applicable policy or rule
    - the process followed
    - the decision (complaint upheld or not upheld)
    - the facts and any evidence relied on, including any submissions or explanations by anyone involved
    - the reason for the decision
    - any penalty or outcome on any party

- Where the decision-maker considers that the concerns raised by the complaint and/or the outcome of the decision affect or are likely to affect the interests of other parties, IRC will make best endeavours to obtain the views of such parties or a representative sample of them so that the full context of the issue can be considered.
- IRC will promptly provide a copy of the decision to the person or organisation complained of and the complainant and outline any appeal process.
- The outcome should be discussed so that the parties understand the decision, why it was made, and what will happen next.

Consequences of decisions

- Where any complaints involve employees, should any decision relate to their employment, IRC will treat them in accordance with their employment contracts and employment law.
- IRC will treat contractors (who are not employees) fairly, reasonably, and consistent with the terms of their contract.
- IRC will treat volunteers fairly, reasonably and respectfully in making any decisions about their future conduct or participation in the sport.
- 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.
- IRC will hold a discussion about what steps can be reasonably be taken to restore relationships and mana of everyone involved. It will explore the need to provide support, especially if there are any concerns about health, wellbeing or safety.
- All matters relating to a complaint will be recorded in writing and placed on a confidential complaint file including the formal complaint itself, any response to the complaint, notes of any meetings or conversations, relevant documents, committee minutes, the decision and any outcome.

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What is the process for resolving a complaint made directly to Immediation NZ?

A complaint made directly to Immediation NZ will be triaged by the Immediation NZ team to identify the most realistic dispute resolution pathway. Its team works impartially with all parties to seek resolution of the matter. Immediation NZ acts as a conduit between the complainant and IRC so you can expect to receive a call or email from Immediation NZ to discuss complaint resolution steps.

Immediation NZ has particular expertise in managing sensitive situations and overcoming barriers to dialogue.

Where IRC is contacted by Immediation NZ to advise about a complaint, we will work constructively with Immediation NZ to resolve the complaint quickly and effectively. In the event that Immediation NZ suggests an independent investigation, we will consider that suggestion in accordance with the principles of this policy. If we agree to an investigation, we will engage constructively and promptly to provide all relevant information.

National Organisation complaints process

Where a formal complaint is made or referred to a National Organisation, the Chief Executive may refer it to a Complaints Assessment Committee (CAC) who will review it and make a decision about where the complaint should be directed, what culturally appropriate process should be followed, and who the decision maker should be.

Options might include an informal process, investigation, facilitation or mediation, or a disciplinary process. This should be discussed with the complainant and person or people the complaint is about.

The CAC will confirm they have received the complaint within three working days of receiving it.

Details of the complaint will be entered into a Complaints Register.
When considering the complaint, the CAC will consider:

- what the complaint is about
- how serious or urgent the complaint is
- whether there is a set process for the type of complaint
- culturally appropriate processes depending on the parties involved
- whether the matter should be dealt with under the IRC Disciplinary Procedure and Appeals Policy
- whether the complaint might indicate a broader problem
- what risks the complaint raises for the organisation and/or related organisations
- what outcome the complainant is seeking
- any other relevant information.

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The CAC will advise the Chief Executive whether:

- there is no clear basis for complaint, and no action can be taken (and an explanation given to the complainant)
- the complaint can be resolved informally
- a formal process is needed.

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