

# COMPLAINTS POLICY

Ocean Beach Kiwi Surf Life Saving Club

## Complaint handling principles

As a club we are committed to handling complaints in a fair, just and transparent way and 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 listen to both sides of the story
- **Stay** neutral
- **Keep** parties to the complaint informed
- **Try to Maintain** confidentiality where possible
- **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

Our club will deal with complaints in a number of ways:

- Informally for less serious complaints e.g. coach showing favouritism towards their own child in team selection.
- Formally in some circumstances, such as where serious physical or verbal assault has occurred.
- By referral to an external agency for very serious issues e.g. suspicious of harm against a child.

The club will in some circumstances seek the support of Surf Life Saving New Zealand (SLSNZ) to deal with a complaint. For example, if it is beyond the skills of the judicial committee and specific expertise or experience is required to manage the complaint

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 club records.

## Process for dealing with a complaint

All complaints are to be lodged with either the Club secretary or Club Chairperson either verbally or in writing.

When a complaint is received this will immediately be referred to the Complaints Review Officer who is responsible to ensure the correct procedures are followed.

Should there be a conflict of interest; the Club Chairperson must delegate the role of Complaints Review Officer to another club officer, committee member or independent.

The Complaints Review Officer will meet with the complainant and:

**(a) Listen**

- Let the complainant have their say
- Check whether they are making a complaint or just letting off steam
- Ask appropriate questions to clearly understand the nature of the complaint
- Make it clear that the complaint has been heard and is welcomed
- Explain any limits to confidentiality (absolute confidentiality cannot be provided if there is a suspicion of harm against a child)
- Ask the complainant how they want the matter to be dealt with
- Provide a timeframe of up to five days within which there will be a response back to the complainant with progress towards resolution of the issue

**(b) Inform**

- Let the parties involved know about the complaint including advising any person/s being complained about of the complaint 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 is a judgement call – if a formal process will inevitably follow then it is wise to provide a copy of the complaint to the defendant at the earliest opportunity.
- 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
- Ensure witness statements are received within two days of the request being made

**(d) Consider Options and Decide**

Having defined the seriousness of the issue, the Complaints Review Officer will determine the most appropriate course of action to take. In doing this he/she 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 club policy
- 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 or the behaviour is repeated
- the person with the complaint is looking to apportion blame and seek disciplinary action
- the complaint is about entrenched club 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 the 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 issue is of low risk of harm on other people
- The person complaining is not looking to lay blame or want disciplinary action
- The problem can be resolved by clarifying our clubs' policies or rules
- There is a power imbalance
- The behaviour being complained about has been observed by others
- The person complaining requests this option

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 (e.g. not in front of the team or parents)
- Let them know that concerns have been expressed but try not to make the discussion personal (e.g. rather than saying the person is alleged to show favouritism and bias towards their own child say there are concerns that children are not getting equal development opportunities)
- Acknowledge their contribution to the club and discuss policies or guidelines that help clarify the club's position on the issue (e.g. Clubrooms policy and team selection policy)
- Ask for their perspective on the issue and what might have led to this being a concern
- Ask for their ideas on how to sort out the issue
- Check what further support might help them in their role (e.g. training)
- Get back to the person complaining with the outcome and monitor the situation.

## **Formal Process**

The Complaints Review Officer may choose a formal complaint process if:

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

Formal processes involve following more structured processes and involving other (external) parties to resolve the issue. Examples of formal processes that the Complaints Review Officer might choose to use are:

- A. Mediation
- B. A judicial committee hearing
- C. Escalation within the sport (to national level)
- D. Referral to an external agency

### **A. Mediation**

This is a good option when:

- One person has laid a complaint about the behaviour of another person
- Both parties are agreeable to mediation taking place
- The club is looking for a win-win solution so that it doesn't lose valuable members

### **Steps to follow**

The Complaints Review 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
- 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. Judicial committee hearing**

This is a good option when:

- The person complaining requests this action
- 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
- A quick resolution is required (e.g. when a decision is needed near the end of the season so as not to impact on Nationals participation)
- Outcomes could include disciplinary sanctions including suspension or termination of membership, referral to SLSNZ for further investigation or referral to an external authority.

### **Steps to follow:**

The Complaints Review Officer will:

- Arrange appointment of a judicial committee of up to three persons as outlined in the constitution (which may include expertise not available within the club or where there is a possible conflict of interest or close relationship between the people on the club committee and any of the parties to the complaint)
- Arrange a date, time and place for the judicial 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
- Advise both parties they can bring a support person to the judicial hearing who may speak and participate in the judicial process
- Ensure both parties are given an opportunity to tell their side of the story before making decisions
- Appoint a representative of the judicial committee to gather more information and report back to the committee with recommendations before decisions are made if required (e.g. more serious or sensitive complaints such as sexual or racial harassment)
- 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 judicial hearing and communicate the policies to club members and personnel to prevent further similar issues arising.

### C. Escalate to SLSNZ

The Complaints Review Officer will direct a complaint to SLSNZ if:

- It is beyond the skills of the judicial committee and specific expertise or experience is required to manage the complaint
- The complaint has not been able to be resolved at the club level
- The issue is more serious than first thought

#### **Steps to follow:**

The Complaints Review Officer will:

- Contact the CEO of SLSNZ to discuss the complaint and if and how the club can be supported to handle the complaint.
- Keep the parties involved informed about the complaint process.
- Protect the person complaining and the person being complained about from victimisation.
- Manage any gossip or demands by people who know about the complaint.

### C. External Processes

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

### D. External Agency

The Complaints Review Officer will choose this option when:

- The club's rules and disciplinary procedures do not enable for SLSNZ to be involved in the complaint (eg. your only option may be to seek legal advice)
- After gathering more information, the complaint appears to be very serious
- The complaint involves harm to a child
- The issue may be criminal or unlawful
- An external investigation is required