

# Complaints Policy

## Whangarei Academy of Gymnastics

### 1.0 Rationale

The Whangarei Academy of Gymnastics (WAGS) understands the importance of having a policy and set of procedures relating to any complaints that are made against the club, staff, volunteers or members associated with it.

### 2.0 Purpose

The policy is designed to provide guidance on the manner in which WAGS receives and handles complaints made against the club, its staff, volunteers and members. The objective of the policy is to assist the club in resolving complaints in an efficient, effective and professional manner.

### 3.0 Application and Scope

1. Depending on the nature of the complaint, this policy should be read in conjunction with the *WAGS Codes of Conduct/Behaviour*
2. No action will be taken on malicious or anonymous complaints.
3. Those responsible for resolving complaints under this policy must take all reasonable steps to ensure that the complainant is protected against any subsequent recrimination or victimisation.
4. Committee and/or club members involved in the consideration and resolution of concerns and complaints have guidelines to adhere to, which are outlined in the appendix of this policy.

### 4.0 Complaints Procedure

#### 4.1 Informal Resolution

1. Before making formal written complaints, the complainant is encouraged to seek resolution to any concerns by raising and discussing them **informally** with the relevant person who is most directly associated with the matter. Assistance to do so may be sought by the Administrative Assistant on duty, a Coach or Senior Coach, a Committee Member, Club Manager or via the "Suggestion Box" on the form provided.
2. The coach/member with whom a concern is raised is expected to deal with the matter in an open, discreet and professional manner, and to take reasonable and prompt action to try to resolve it informally.
3. If it is the coach or other staff member who has a concern or complaint, similarly they should first attempt to seek a resolution professionally, discreetly and **informally** with the relevant parent/caregiver/other, using the supporting documents "*GymSports Codes of Conduct and Behaviour*". Support may be sought in these situations as above.
4. If it is deemed inappropriate or if the situation during the informal process becomes acrimonious, assistance may be sought as in above point 1, or a formal complaints process may need to be followed to resolve the complaint.

## 4.2 Formal Complaints Process

1. Where it is not or has not been possible to resolve a concern informally, a formal complaint may be made.
2. A **formal** complaint must be received by the club secretary in **writing** not later than 3 weeks following the incident that lead to the complaint or immediately following an unsuccessful informal process.
3. When a **formal** complaint is received this will immediately be referred to the Club President (or Chairperson) who will act as the **Complaints Review Officer** who is responsible to ensure the correct procedures are followed.

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

4. Having defined the seriousness of the issue, the Complaints Review Officer will determine the most appropriate course of action to take place. It is at this time that the CRO will also establish if the complaint is of a personal nature and select a course of action which will respect each parties privacy. *(It may not be appropriate to bring the full details of the complaint to the committee for example.)*

The following steps highlight the tools available to seek resolution.

### 5. Mediation

The Complaints Review Officer can seek the cooperation and agreement from both parties to enter mediation. If agreed it is up to the club to identify and appoint an independent mediator which is approved by both parties. If no such agreement for mediation is reached, this option can not proceed.

### 6. Judicial Hearing

The Complaints Review Officer will appoint a judicial panel of up to three persons (including at least one external to the club). It is the panels responsibility to arrange a date, time and place for the judicial hearing to occur at the earliest possible time. These arrangements need to be provided to all parties in writing prior to the hearing, including the process which will be undertaken. For more serious or sensitive complaints, a representative of the panel will investigate and report back to the committee with recommendations before a decision is made. The result of the hearing could involve disciplinary sanctions including suspension or termination of membership, or referral to the National Sports Organisation (NSO), Regional Sports Trust (RST) or an external authority for further investigation.

### 7. Escalation to GymSports NZ (NSO) or Sport Northland (RST)

In the case that the complaint is more serious than initially recognised, or the complaint cannot be resolved at club level, the club can contact the Senior Relationship Manager at GymSports NZ and/or the Community Sport Manager at Sport Northland. The club can discuss the complaint with the respective agencies to determine if and how the club can be supported to handle the complaint.

### 8. Referral to External Agency

Following the investigation, allegations which are deemed as very serious and require urgent action should be referred to the appropriate agency. These can include and are not exclusive to the police, child protection authorities and anti-discrimination agencies.

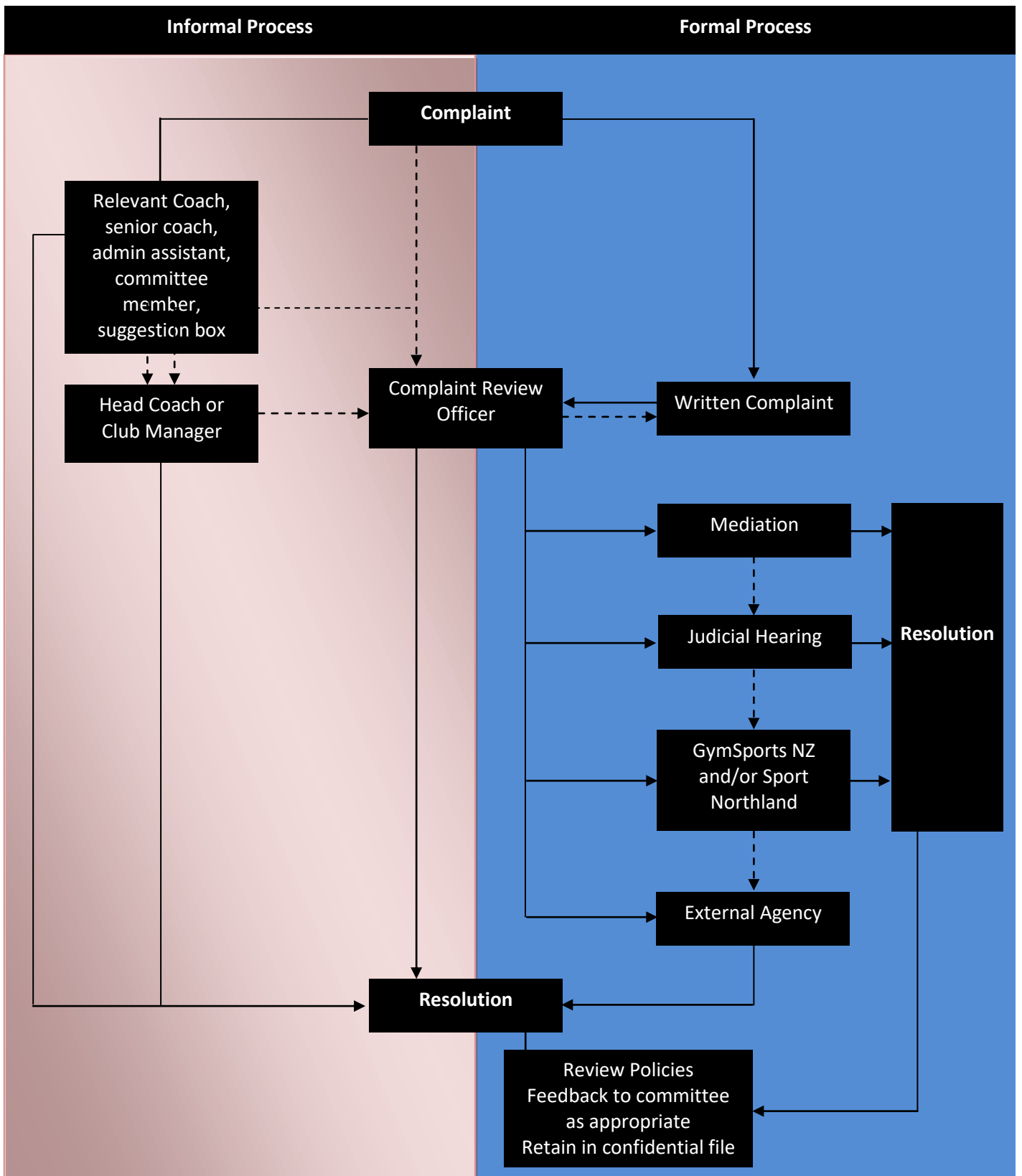
## **5.0 Resolution of Complaint**

1. For formal complaints that are handled internally, the CRO must make a decision in relation to the complaint, and must notify all parties concerned, in writing, within 28 days of receiving the complaint.
2. Complaints handled externally are under the jurisdiction of the respective agencies to progress with as deemed appropriate.
3. Following the resolution of the complaint, the committee is required to review its policies and communicate any changes in policy or procedure to club members and personnel to prevent further similar issues arising. Dependent on the nature of the complaint as to the details shared with the Committee, but an overview of the findings and any reviews on policy or procedure would need to be tabled and discussed.

## **6.0 Confidentiality**

1. All processes and decisions under this policy are confidential to the parties, staff and external agencies directly involved.
2. The CRO will be responsible for ensuring that all formal review processes are fully documented and retained in a confidential file with the club records.

# Complaint Review Process



# Appendix

## Guidelines when Dealing with a Complaint

### (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 seven 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/or Head coach/Club Manager (as in flow chart) 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/or Head coach will then consider the options and make a decision on whether a formal or informal process shall be followed.

## **Guidelines for an Informal Resolution**

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, rules or codes of behaviour/conduct
- 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/Head coach/ Club Manager 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 other gymnasts or parents)
- Let them know that concerns have been expressed but try not to make the discussion personal
- Acknowledge their contribution to the club and discuss policies or guidelines that help clarify the club's position on the issue
- 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.

## **Guidelines for a Formal Process**

The Complaints Review Officer/Head Coach/ Club Manager 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

The CRO or due to conflict of interest delegated person, must always be informed of formal complaints.

The following tools as determined in the policy can be utilised to resolve the complaint:

### **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

### **Guidelines**

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 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
- Outcomes could include disciplinary sanctions including suspension or termination of membership, referral to GymSports NZ for further investigation or referral to an external authority.

## **Guidelines**

The Complaints Review Officer will:

- Arrange appointment of a judicial panel of up to three persons (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 GymSports NZ (NSO) or Sport Northland (RST)**

The Complaints Review Officer will direct a complaint to the NSO or RST if:

- It is beyond the skills of the 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

## **Guidelines**

The Complaints Review Officer will:

- Contact the Senior Relationship Manager of GymSports New Zealand (NSO), and/or the Community Sport Manager of Sport Northland (RST) 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.

## **D. 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

### **External Agency**

The Complaints Review Officer will choose this option when:

- It is recommended through consultation with GymSports NZ and/or Sport Northland that external agencies should be involved
- 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



## Complaints Record Form

Individuals Name		Date of Meeting	
Complainant		Date of Incident	
Decision Panel Members			

### Brief Description of the Incident

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### Investigation Activities Undertaken/Information Sought

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### Supporting Documents/Emails Attached

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**Decision Panel Decision/Action**

## **Informal concern or complaint via suggestion box**

**Date**

**Your name**

**Please note, your concern/complaint will not be received by the committee if it is made anonymously**

**The nature of your concern**

**How you would like feedback**

**Thank you**

## **Informal concern or complaint via suggestion box**

**Date**

**Your name**

**Please note, your concern/complaint will not be received by the committee if it is made anonymously**

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**How you would like feedback**

**Thank you**