



# COMPLAINTS POLICY & PROCEDURES



## Kaupapa Here Hauora, Haumaru me te Oranga

### VERSION HISTORY Hītori Putanga

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Ver 1	December 2024	Marilyn Moffatt	Initial policy to align with constitutional dispute resolution process
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### DOCUMENT ACCEPTANCE

Action	Name	Signed	Date
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## CONTENTS

<b>PART 1 – INTRODUCTION</b> .....	<b>3</b>
1 Definitions And Interpretation.....	3
2 Introduction.....	4
3 Purpose.....	5
4 Guiding Principles For This Policy.....	5
5 Relationship To Law.....	6
6 Constitution Precedence.....	6
<b>PART 2 – COMPLAINTS</b> .....	<b>6</b>
7 Who Can Make A Complaint?.....	6
8 What Can Complaints Be About?.....	6
9 What Is Not Covered Under This Policy?.....	7
10 Complaints About A SLSNZ Employee or Contractor.....	7
11 Anonymous Complaints.....	7
12 Club Disputes And Complaints.....	8
13 Guidance.....	8
<b>PART 3 – INFORMAL RESOLUTION FIRST</b> .....	<b>8</b>
14 Self-Managed Informal Resolution.....	8
15 Informal Resolution Guidance.....	9
<b>PART 4 – EXTERNAL RESOLUTION ORGANISATIONS</b> .....	<b>9</b>
16 Sport Integrity Commission Te Kahu Rauenui.....	9
<b>PART 5 – APPEAL FROM A CLUB DECISION</b> .....	<b>10</b>
17 Appeal From A Club Disciplinary Decision.....	10
<b>PART 6 - RAISING A FORMAL COMPLAINT WITH SLSNZ</b> .....	<b>11</b>
18 Who Can I Make A Formal Complaint To?.....	11
19 SLSNZ May Initiative a Complaint.....	11
20 Board Dispute.....	11
21 Complainant Anonymity.....	11
22 Children/Young Adults Safety.....	11
23 Threat To Safety.....	12
<b>PART 7 – SLSNZ RESPONSE TO A FORMAL COMPLAINT</b> .....	<b>12</b>
24 Assessment of Complaint.....	12
25 Acknowledgement of Formal Complaint.....	12
26 Initial Response from Respondent.....	12
27 Minors.....	13
28 Notification To The Chief Executive Officer.....	13
<b>PART 8 – RESOLVING THE COMPLAINT</b> .....	<b>13</b>
29 Options Available To The Board.....	13



30	Not Proceed Further with the Complaint.....	14
31	Referral To Dispute Resolution Service.....	15
32	Referral To Police Or Other Authorities.....	15
33	Put Complaint On Hold.....	15
<b>PART 9 - INVESTIGATION.....</b>		<b>15</b>
34	Complaints Investigation Committee.....	15
35	Suspension Pending Investigation.....	16
36	Impartiality.....	16
<b>PART 10 - BOARD DECISION.....</b>		<b>16</b>
37	General Justice And Fairness.....	16
38	Notification Of Proposed Remedies.....	16
39	Written Decision.....	17
40	Decisions Final And Binding.....	17
41	Remedies.....	17
42	Child Protection.....	18
43	Restorative Justice.....	18
<b>PART 11 – APPEALS.....</b>		<b>18</b>
44	Who can appeal a Decision?.....	18
45	Grounds For Appeal.....	19
46	How Do I Appeal?.....	19
47	Re-admittance Of Terminated Membership.....	19
<b>PART 12 - GENERAL.....</b>		<b>19</b>
48	Complaints Register.....	19
49	Confidentiality of Investigations.....	20
50	Publication of Decision.....	20
51	Support.....	20
52	What Other Regulations or Policies Might Apply?.....	21
<b>APPENDIX 1 - ROLES AND RESPONSIBILITIES OF SLSNZ STAFF.....</b>		<b>22</b>
<b>APPENDIX 2: SLSNZ COMPLAINTS FLOW CHART.....</b>		<b>23</b>



## PART 1 – INTRODUCTION

### 1 Definitions And Interpretation

1.1 In this Policy, unless the context otherwise requires, the words and phrases used have the following meanings:

**Appellant** means a Member or Officer or SLSNZ who Appeals against a decision made about a Complaint.

**Appeal** means an appeal against a disciplinary decision by SLSNZ.

**Appeal from a Club Decision** means an appeal by an Individual Member who has received a penalty or an adverse finding in disciplinary proceedings conducted by their Club.

**Board** means SLSNZ's governing body as defined in the Constitution.

**Board sub-committee** means a sub-committee appointed by the Board with delegated authority to make decisions on Complaints or an Appeal from a Club Decision under the Constitution, this Policy or SLSNZ Regulation 6.

**Club** means a club who is a Member of SLSNZ.

**Competition Rules** means the rules for Competition determined by SLSNZ and may include the SLSNZ sports competition manual.

**Complaint** means where either a Member, an Officer, or SLSNZ starts a formal procedure for resolving a Dispute in accordance with the Constitution and this Policy.

**Complainant** means a Member or Officer or SLSNZ who makes a Complaint, or the Individual Member who requests an Appeal from a Club Decision.

**Complaints Investigation Committee** means the committee set up under SLSNZ Regulation 6 to which the Board may refer a Complaint or Appeal from a Club Decision.

**Complaints Officer** means the person(s) appointed by the Board to receive notices of Complaints.

**Constitution** means the SLSNZ Constitution.

**Decision Maker** means the person or committee appointed to decide on Remedies under the Constitution's Dispute Resolution Procedure.

**Dispute** has the meaning set out in S38 of the Incorporated Societies Act 2022.

**International Life Saving Federation** or ILS means the international organisation governing lifesaving in an aquatic context.

**Member** means any person or organisation as described in the Constitution.

**Minor** means a person who is under the age of 18 years.



**Misconduct** includes, amongst other behaviours, bullying, violence, harassment (sexual or otherwise), racism, discrimination, offensive/insulting language or disrespectful behaviour, corruption, fraud, unethical, dishonest or illegal behaviour, and competition manipulation.

**Officer** means a member of the Board or a person occupying a position in SLSNZ that allows them to exercise significant influence over the management of administration of SLSNZ.

**Policy** means this SLSNZ Complaints Policy and Procedures document.

**Respondent** means a Member or Officer or SLSNZ who is the subject of a Complaint, or the Club in the case of an Appeal from a Club Decision.

**Regulations** means the SLSNZ regulations, policies, bylaws or codes as determined by the Board.

**Regulation 6** means the SLSNZ Regulation 6 – Process of the Complaints Investigation Committee.

**Remedy** means any sanction, penalty or outcome that the Board may impose on a Respondent in the case of a Complaint, or on the Member and/or Club in the case of an Appeal from a Club Decision.

**SLSNZ** means Surf Life Saving New Zealand Manatōpū Incorporated and includes its Officers, employees, Board Members, committees, Appointed Personnel and agents.

**Sport Integrity Commission (SIC)** means the commission established under the Integrity Sport and Recreation Act 2023.

**Sports Tribunal** means the Sports Tribunal of New Zealand established under the Sport and Recreation New Zealand Act 2002 and continued under the Sports Anti-Doping Act 2006.

**Written Notice** means a notice in writing and delivered by email or post to the last known address of the individual or entity to whom it is directed. Notices given by email will be deemed to be received if they have not been returned as undeliverable within one Working Day, and Notices given by post will be deemed to be received five Working Days after they are sent.

- 1.2 All other Terms and Interpretations defined in the Constitution carry the same meaning here.
- 1.3 The Board may delegate the authority to make any decisions required under this Policy for a Complaint or an Appeal from a Club Decision to a Board sub-committee.

## **2 Introduction**

- 2.1 Surf Life Saving New Zealand (SLSNZ) knows everyone involved in surf lifesaving is here because of a shared passion and care for the people involved.
- 2.2 SLSNZ is committed to supporting everyone, including members, volunteers, employees, whanau and supporters, to participate in a respectful, safe, and fair environment.



2.3 When people breach policies designed to ensure the fair and lawful conduct of surf lifesaving operations, the safety and wellbeing of those involved in surf lifesaving, or get into disagreements, it can become a serious issue.

### **3 Purpose**

3.1 This Policy sets out the procedures for how Complaints and Appeals against Club disciplinary decisions are dealt with. It aims to:

3.1.1 set out how people can raise Complaints, Appeals From a Club Decision, or concerns with SLSNZ;

3.1.2 set clear expectations about what will happen if a formal Complaint or an Appeal from a Club Decision is raised with SLSNZ;

3.1.3 guide SLSNZ personnel in dealing with and resolving Complaints and Appeals from a Club Decision in accordance with SLSNZ's Constitution, Regulations, policies, and procedures, as well as with New Zealand legislation; and

3.1.4 ensure the approach taken to dealing with Complaints and Appeals for a Club Decision by SLSNZ is fair and consistent.

### **4 Guiding Principles For This Policy**

4.1 People involved in surf lifesaving are entitled to raise concerns or Complaints and SLSNZ acknowledges it is important for everyone involved to respond quickly, fairly and transparently to address issues.

4.2 SLSNZ must not, or allow any other Member to, punish or victimise anyone for raising a concern or a Complaint in good faith.

4.3 Wherever possible, issues, disputes or concerns should be addressed informally first by the parties involved, provided it is reasonable and safe to do so.

4.4 Matters should be addressed with a view to keeping the mana of all parties intact and maintaining relationships wherever possible.

4.5 SLSNZ will communicate regularly and clearly with all parties about the progress and/or resolution of any matter.

4.6 SLSNZ will respect the privacy of all parties and not disclose information without their consent, except as provided for in this Policy and the Regulations.

4.7 Allegations are not proven unless there has been a fair and impartial determination of the issue following the legal principles of natural justice (refer s27 New Zealand Bill of Rights Act 1990). Natural justice includes the following principles:

4.7.1 the right to know what the allegation or Complaint is and who is making it;



- 4.7.2 the right to respond fully to any allegations or Complaints, including at an oral hearing. This also includes an opportunity to respond to an adverse finding by the decision maker about the allegation or Complaint;
  - 4.7.3 the right to representation – this includes both legal representation and an advocate or support person;
  - 4.7.4 the right to cross-examine;
  - 4.7.5 the right to reasons (and reasoning) for the Board’s decision;
  - 4.7.6 the right to appeal the decision;
  - 4.7.7 no bias, personal motives or pre-judging from the decision makers;
  - 4.7.8 flexibility to consider the situation or mitigating factors when applying a rule or Policy.
- 4.8 SLSNZ expects all parties to a Complaint to cooperate to resolve Complaints or disputes efficiently, fairly, and with minimum disruption to SLSNZ’s activities.

## **5 Relationship To Law**

- 5.1 Any action under this Policy is without prejudice to any right or remedy a Member or SLSNZ may have in law.

## **6 Constitution Precedence**

- 6.1 If there is any inconsistency between this Policy and the SLSNZ Constitution, the rules in the Constitution will prevail.

## **PART 2 – COMPLAINTS**

### **7 Who Can Make A Complaint?**

- 7.1 Complaints can be made by or about anyone involved in surf lifesaving. This includes Members, Officers, Volunteers, the Board, Employees, family/whanau of Members, and service providers.

### **8 What Can Complaints Be About?**

- 8.1 Complaints may be made about allegations or disputes such as:
  - 8.1.1 allegations of Misconduct;
  - 8.1.2 alleged breaches of the SLSNZ Code of Conduct, Constitution, Policies, Regulations or the Incorporated Societies Act 2022;
  - 8.1.3 allegations a Member has brought SLSNZ or Surf Life Saving into disrepute;
  - 8.1.4 disputes between Members;

- 8.1.5 disputes between Members and SLSNZ;
- 8.1.6 allegations that a Member's rights or interest have been damaged, or Members' rights or interests generally have been damaged; or
- 8.1.7 an appeal from a Club's disciplinary decision.

## **9 What Is Not Covered Under This Policy?**

- 9.1 Complaints relating to SLSNZ operational decisions, policies, programs, events, or issues relating to lifeguarding or competition operational matters, are to be managed in the first instance within existing SLSNZ policies. A formal Complaint may be raised if a dispute remains after all avenues for resolution are exhausted under these policies.
- 9.2 In addition, this Complaint Policy does not apply to:
  - 9.2.1 Any matter within the jurisdiction of the Competition Appeals Committee as set out in the SLSNZ Competition Manual and SLSNZ Regulation 8 Surf Sport. However, a Competitions Appeal Committee, or any other person, may raise a Complaint to be dealt with under this Policy for any serious breaches of the Competition Manual rules or misconduct or disrespectful behaviour at a surf sports event.
  - 9.2.2 Appeals for non-selection to a High-Performance squad or New Zealand team, which are dealt with under the SLSNZ Sports Selection Policy High-Performance Squads and New Zealand Teams Selection Policy.
  - 9.2.3 Anti-doping violations, which are dealt with by the relevant authority under SLSNZ Regulation 12 Anti-Doping.

## **10 Complaints About A SLSNZ Employee or Contractor**

- 10.1 Complaints involving actions of a SLSNZ employee in their capacity as an employee are excluded from this Policy. SLSNZ will treat the Complaint in accordance with that employee's employment agreement and any relevant employment legislation.
- 10.2 Where any Complaints involve actions of an SLSNZ employee in their capacity as a volunteer Member, the Complaint will be dealt with in accordance with this Policy. In such cases, the SLSNZ Chief Executive Officer and GM People and Culture must be notified by the Complaints Officer and consulted during the Complaint process.
- 10.3 Complaints involving actions of a SLSNZ contractor in their capacity as a contractor are excluded from this Policy. SLSNZ will treat the Complaint in accordance with the contractor's Contract for Services.
- 10.4 Where any Complaints involve actions of a SLSNZ contractor in their capacity as a volunteer Member, the Complaint will be dealt with in accordance with this Policy.

## **11 Anonymous Complaints**

- 11.1 Natural justice ordinarily requires that respondents are fairly and transparently advised of the allegations against them.

11.2 If a Complaint is made anonymously (that is, it is unknown who is making the Complaint), SLSNZ will not take any action under the Formal Complaint process as described in Part 6 this Policy.

11.3 However, SLSNZ may review any anonymous complaints to see if there are other appropriate actions to take based on the disclosures made.

## **12 Club Disputes And Complaints**

12.1 Disputes between a Member and their Club, between Members of the same Club, or Complaints about a Member arising out of circumstances in which they were representing their Club, are to be dealt with by that Club according to the Dispute Resolution Process in their Constitution and policies (if any).

12.2 Clubs may refer their internal disputes and Complaints to the Sport Integrity Commission Te Kaha Raunui for advice or to manage the Complaint. Refer 16 Sport Integrity Commission Te Kaha Raunui for more information.

12.3 Clubs may request SLSNZ to assist or provide advice on handling an internal dispute or Complaint, but SLSNZ retains the right to decide what assistance they can provide, depending on the circumstances and availability of resources.

12.4 The Board may, at its discretion and with agreement by both the Member and their Club, refer a Club dispute or Complaint to a Complaints Investigation Committee for investigation and determination.

## **13 Guidance**

13.1 If you are unsure whether this Policy applies to your situation, the Complaints Officer can provide guidance.

13.2 Guidance and support can also be sought from the Sport Integrity Commission Te Kaha Raunui.

## **PART 3 – INFORMAL RESOLUTION FIRST**

### **14 Self-Managed Informal Resolution**

14.1 Informal and early resolution may be appropriate for many issues or concerns that arise within surf life saving and the events and activities we are responsible for, including for minor, low-level and one-off issues such as:

14.1.1 low-level swearing, derogatory or disrespectful comments;

14.1.2 aggressive or heated verbal exchanges or verbal abuse;

14.1.3 mistakes, misunderstandings, or poorly judged comments and jokes

14.2 Where comfortable, people are encouraged to raise concerns directly with the person or relevant SLSNZ body unless there are safety reasons or the issue is too serious to resolve this way.

14.3 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 or SLSNZ.



- 14.4 Self-managed informal resolution needs to be approached respectfully. The parties involved must 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 the future. It is open to any party to have a support person involved. A support person might assist, for example, in raising the concern with the person/organisation initially or joining a conversation between parties.

## **15 Informal Resolution Guidance**

- 15.1 Anyone affected may get advice on a concern from the SLSNZ Complaints Officer or an external organisation, such as the Sport Integrity Commission Te Kaha Rauunui.
- 15.2 The Complaints Officer, in consultation with those involved, may suggest an appropriate process to try to resolve the concern before a formal Complaint is raised. This may include holding a facilitated meeting or following a process that meets the needs of the people involved.
- 15.3 Where a satisfactory outcome can't be reached informally by the parties, the issue is too serious, there are safety reasons, or the Complainant is uncomfortable doing so, a formal Complaint may be made to SLSNZ or the Sport Integrity Commission Te Kaha Rauunui.

## **PART 4 – EXTERNAL RESOLUTION ORGANISATIONS**

### **16 Sport Integrity Commission Te Kahu Rauunui**

- 16.1 The Sport Integrity Commission Te Kahu Rauunui (**SIC**) can help you resolve complaints about integrity in sport and recreation. Their services are free, confidential, and impartial. The SIC processes are flexible and accessible and they try to resolve complaints in a fair, timely and responsive way. The SIC can provide tikanga-based and culturally responsive support. They can also help children and young people be involved in decisions that affect them.
- 16.2 A Member may also make a Complaint or disclosure to the SIC regardless of whether they have first sought to resolve the matter with SLSNZ.
- 16.3 The SIC may assume responsibility for the matter, including through an investigation and disciplinary process.
- 16.4 The SIC can also provide free access to its facilitators and/or mediators if the parties wish to have a facilitated discussion.
- 16.5 The SIC may be a good option where:
- 16.5.1 it would be helpful to talk to someone in confidence before making a Complaint about how best to go about it and what to expect;
  - 16.5.2 you wish to remain anonymous;
  - 16.5.3 there is a dispute between people that is escalating or causing problems with the organisation;



- 16.5.4 the committee or official that the Complaint would usually be made to is involved in the issue or has a conflict of interest;
  - 16.5.5 the Complaint is serious or urgent in nature;
  - 16.5.6 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
  - 16.5.7 it would assist one or more parties to have access to free and confidential counselling services if you wish to make your Complaint directly with the SIC.
- 16.6 Contact details for the SIC are:
- Website: <https://sportintegrity.nz/making-a-complaint/make-a-complaint>
- Email: [complaints@sportintegrity.nz](mailto:complaints@sportintegrity.nz)
- Telephone: 0800 378 437

## PART 5 – APPEAL FROM A CLUB DECISION

### 17 Appeal From A Club Disciplinary Decision

- 17.1 A Member who has received a penalty or adverse finding in disciplinary proceedings conducted by a Club may appeal that decision to SLSNZ, provided that the Member has first exhausted all avenues of appeal available under that Club's Constitution.
- 17.2 Appeals from a Club Decision must be in writing on the Appeal From A Club Decision Form and sent to the Complaints Officer within twenty-eight (28) days from the date the Member was notified of the Club's decision.
- 17.3 The grounds for an appeal from a disciplinary decision of a Club are those set out in the constitution, rules or regulations of the applicable Club. In the absence of such grounds, the grounds can only be one or more of the following grounds:
  - 17.3.1 that natural justice was denied;
  - 17.3.2 that the decision-maker or decision-making body acted outside of its powers and/or jurisdiction (i.e. acted ultra vires);
  - 17.3.3 that substantially new evidence has become available after the decision which is being appealed was made; or
  - 17.3.4 in respect of a decision relating to misconduct involving the Complainant, that the penalty was either excessive or inappropriate.
- 17.4 The Complaints Officer will follow the procedures outlined in this Policy for Complaints in dealing with an Appeal from a Club Decision, unless this Policy or Regulation 6 provides for other specific procedures for an Appeal from a Club Decision



- 17.5 There is no right of appeal to the Sports Tribunal of New Zealand for decisions made by the Board for an Appeal from a Club Decision.

## PART 6 - RAISING A FORMAL COMPLAINT WITH SLSNZ

### 18 Who Can I Make A Formal Complaint To?

- 18.1 Formal Complaints to SLSNZ must be made in writing on the Complaints Form as soon as possible after the event(s), stating that you wish to raise a formal complaint under the Dispute resolution procedure in the Constitution.
- 18.2 Please complete and send the Complaints Form to the SLSNZ Complaints Officer at [complaints@surflifesaving.org.nz](mailto:complaints@surflifesaving.org.nz)
- 18.3 Where it is not possible to complete the Complaints Form you can make a verbal Complaint, and the Complaints Officer will assist you to put it in writing.
- 18.4 If the Complaint concerns the Complaints Officer or the Chief Executive Officer, please contact the SLSNZ Board Chair directly at [nzsurfchair@gmail.com](mailto:nzsurfchair@gmail.com)

### 19 SLSNZ May Initiative a Complaint

- 19.1 SLSNZ may initiate a Complaint involving a Member or Officer (Respondent) by giving the Respondent a notice in writing that:
- 19.1.1 states that SLSNZ is starting a procedure for resolving a Complaint in accordance with the Constitution and this Policy; and
- 19.1.2 sets out the allegation to which the Complaint relates.

### 20 Board Dispute

- 20.1 If a dispute or matter is between the Board and a Member, or between any two (2) or more Board Members, the Board must appoint an external party or organisation to determine in accordance with this Policy.

### 21 Complainant Anonymity

- 21.1 If the Complainant is known to SLSNZ but is not willing to have their Complaint or identity shared with the person/organisation complained about, SLSNZ will advise that the Complaint may not be capable of resolution to the Complainant's satisfaction. In these circumstances, SLSNZ may suggest referring the Complaint to the Sport Integrity Commission to act as an intermediary.

### 22 Children/Young Adults Safety

- 22.1 If the Complaint involves the safety of children in any way, the SLSNZ Child Protection Officer must be notified immediately, and the SLSNZ Regulation 5 Member Protection and the SLSNZ Safeguarding Children Policy and Procedures must be followed.



- 22.2 Any Complaint resolution process must take into account the needs of any children, young people and adults at risk that are involved or affected by a Complaint or disclosure.

## **23 Threat To Safety**

- 23.1 If there is an immediate threat of harm, or the Complaint is a mandatory reporting situation, the Complaint must be reported to the Police and/or relevant agency.

## **PART 7 – SLSNZ RESPONSE TO A FORMAL COMPLAINT**

### **24 Assessment of Complaint**

**The Complaints Officer will assess the Complaint to decide whether it qualifies as a Formal Complaint to be managed under this Policy (as outlined in**

- 24.1 PART 2 – COMPLAINTS). If the Complaint does not meet the required definition or criteria, it will be addressed through an alternative process.

### **25 Acknowledgement of Formal Complaint**

- 25.1 If the Complaint is assessed in Clause 25 above to be managed under this Policy, the Complaints Officer will acknowledge receipt of the Complaint in writing with the person making the Complaint (Complainant) within 3 Working Days. The acknowledgment must include:

25.1.1 a copy of this Policy;

25.1.2 notification that the Complaint (and any relevant information provided) will be shared with:

(a) individuals and organisations within SLSNZ or externally who are responsible for addressing the Complaint;

(b) the person or organisation complained about;

25.1.3 information about wellbeing support available;

25.1.4 a link to SLSNZ's Privacy Policy; and

25.1.5 notification that the parties are expected to retain confidentiality under the provisions of Section 49 of the New Zealand Privacy Act 2020.

- 25.2 The Complaints Officer may seek any further information necessary from the Complainant to clarify the Complaint, including how they would like their Complaint addressed, what resolution process they would prefer, what outcome they are seeking and if they have any child welfare or safety concerns. However, they must not take any steps to investigate the Complaint, attribute blame to any party, or request information from any party other than the Complainant or Respondent.

### **26 Initial Response from Respondent**

- 26.1 The Complaints Officer will notify the person complained about (the Respondent) in writing within 5 working days of receiving the Complaint in a way that preserves the dignity and mana of that person, their whanau and their wider community. The Complaints Officer will include in the notification:
- 26.1.1 a copy of the Complaint form and any material or evidence provided by the Complainant.
  - 26.1.2 a copy of this Policy;
  - 26.1.3 a request to provide an initial written response to the Complaint within a reasonable time;
  - 26.1.4 notification that the Complaint (and any relevant information provided) will be shared with:
    - (a) individuals and organisations within SLSNZ or externally who are responsible for addressing the Complaint;
  - 26.1.5 information about wellbeing support available; and
  - 26.1.6 notification that the parties are expected to retain confidentiality under the provisions of Section 49 of the New Zealand Privacy Act 2020.

## **27 Minors**

- 27.1 If the Complainant is under 18, SLSNZ will generally encourage the Complainant to notify their parent/guardian or other adult family member about the Complaint and include them in the Complaint resolution process.
- 27.2 If the person complained about is under 18, their parent/guardian or other adult family member must be notified about the Complaint, agree to any decisions made regarding the Complaint process, and be present at any discussion about the Complaint.

## **28 Notification To The Chief Executive Officer**

- 28.1 The Complaints Officer must immediately advise the Chief Executive Officer of any formal Complaint received.

## **PART 8 – RESOLVING THE COMPLAINT**

### **29 Options Available To The Board**

- 29.1 After allowing the Respondent a reasonable opportunity to respond, the Complaints Officer will refer the Complaint and the Respondent's Initial Response to the Board. The Board must promptly assess the Complaint and Response and decide on the action(s) that SLSNZ will take in relation to the Complaint.
- 29.2 The Board may decide to:
- 29.2.1 not proceed further with the Complaint;
  - 29.2.2 refer the Complaint to a dispute resolution service;
  - 29.2.3 refer the Complaint to the Police or another authority;

- 29.2.4 put the Complaint on hold;
  - 29.2.5 review a process or decision; or
  - 29.2.6 refer the Complaint to a Complaints Investigation Committee (CIC) to investigate and report on the Complaint.
- 29.3 In deciding on the action(s), the Board may take into account:
- 29.3.1 what the Complaint is about;
  - 29.3.2 how serious or urgent the Complaint is;
  - 29.3.3 whether there is a set process for the type of Complaint;
  - 29.3.4 culturally appropriate processes depending on the parties involved;
  - 29.3.5 whether the Complaint may indicate a broader problem;
  - 29.3.6 what risks the Complaint raises for SLSNZ;
  - 29.3.7 what kind of resolution the Complainant is seeking e.g. formal disciplinary process, mediation, apology, review of a Club disciplinary decision or review of a non-disciplinary decision; and
  - 29.3.8 the Respondent's initial response.
- 29.4 The Board must refer an Appeal from a Club Decision to a Complaints Investigation Committee if it is submitted in accordance with 17.2 and meets the grounds for appeal in 17.3.
- 29.5 SLSNZ may seek guidance from the Sport Integrity Commission on the most appropriate action in the circumstances without breaching any confidentiality agreement with the Complainant.
- 29.6 SLSNZ will clearly communicate to the Complainant and Respondent what resolution process it proposes to use.
- 30 Not Proceed Further with the Complaint**
- 30.1 The Board may decide not to proceed further with a Complaint if:
- 30.1.1 the Complaint is considered to be trivial, or insufficiently serious to warrant further investigation
  - 30.1.2 the complaint is frivolous or vexatious or not made in good faith;
  - 30.1.3 the Complaint does not appear to disclose or involve any allegation of the following kind:
    - (a) that a Member or an Officer has engaged in material misconduct;

- (b) that a Member, an Officer, or SLSNZ has materially breached, or is likely to materially breach, a duty under SLSNZ's Constitution or its Regulations, or Policies or the Act or the Sport Integrity Code;
- (c) that a Member's rights or interests or Members' rights or interests generally have been materially damaged;

30.1.4 the Complaint appears to be without foundation or there is no apparent evidence to support it;

30.1.5 the person who makes the Complaint has an insignificant interest in the matter;

30.1.6 the conduct, incident, event, or issue giving rise to the Complaint has already been investigated and dealt with under the Constitution; or

30.1.7 there has been an undue delay in making the Complaint.

### **31 Referral To Dispute Resolution Service**

31.1 The Board may, with the consent of all parties to a Complaint, refer the Complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

### **32 Referral To Police Or Other Authorities**

32.1 The Board may use their discretion to refer any matter to any appropriate regulatory authority or in cases of suspected criminal activity arising in relating to any Complaint, to the Police at any stage of the Complaints process.

### **33 Put Complaint On Hold**

33.1 The Board may put the Complaint on hold while it is being addressed through an alternative disciplinary, dispute resolution or Complaint process, or while the allegations are being dealt with by other authorities.

33.2 The Board may review what action to take under 29 (Options available to the Board) after the matter has been concluded by any of the above external organisations, or the Board may close the complaint if there has been a satisfactory alternative dispute resolution outcome.

## **PART 9 - INVESTIGATION**

### **34 Complaints Investigation Committee**

34.1 If the Board has referred the Complaint for investigation by a Complaints Investigation Committee, the Complaints Officer will appoint a Complaints Investigation Committee to investigate it in accordance with the Constitution and Regulation 6.

34.2 The Complaints Officer must give the Complainant and Respondent written notice of the names of the Complaints Investigation Committee members. Either party may, within 5 working days of receiving that notice, request changes to the Complaints Investigation Committee membership based on impartiality. The Complaints Officer must have regard to this request but is not required to comply with it.

**35 Suspension Pending Investigation**

- 35.1 Where the Board has reason to consider that a Member who is the subject of a Complaint may pose a material risk to the health, safety and wellbeing of any person, the Board may suspend that Member pending determination of the Complaint. Before invoking any such suspension, the Member must be given notice of the suspension.
- 35.2 Unless otherwise determined by the Board, while a Member is suspended, the Member is:
- 35.2.1 not entitled to attend, speak or vote at a General Meeting;
  - 35.2.2 not entitled to any other rights or entitlements as a Member;
  - 35.2.3 in the case of an Individual Member, not entitled to continue to hold office in any position within SLSNZ; and
  - 35.2.4 not entitled to any rights or entitlements to which the Member would otherwise be entitled from the Member's Club;
- until such time as the alleged Complaint is resolved or determined.

**36 Impartiality**

- 36.1 A person may not act as an investigator or decision maker in relation to a Complaint if the person may not be impartial or able to consider the matter without a predetermined view.

**PART 10 - BOARD DECISION****37 General Justice And Fairness**

- 37.1 After receiving the Complaints Investigation Committee or external investigator's report, the Board will make their decision about upholding the Complaint and imposing any Remedies in the following way:
- 37.1.1 consistent with a fair process;
  - 37.1.2 consistent with any contractual or employment rules that apply;
  - 37.1.3 based on the evidence presented to the Board;
  - 37.1.4 reflective of the seriousness of the findings.

**38 Notification Of Proposed Remedies**

- 38.1 Before the Board makes any decision about Remedies to impose, the Respondent, or in the case of an Appeal from a Club Decision both the Complainant (i.e. Member) and the Respondent (i.e. Club)
- 38.1.1 must be given fourteen (14) days' written notice by the Board of the proposed resolution to impose Remedies; and

38.1.2 has the right to be present, make submissions and be heard about the effect of the proposed Remedies at the meeting in which the proposed Remedies are to be determined.

### **39 Written Decision**

39.1 The Board will provide a written decision to the parties, which sets out the reasons for the Board's decision, as soon as possible.

### **40 Decisions Final And Binding**

40.1 Subject only to the right to appeal set out in 44 Appeals in this Policy, all decisions of the Board will be final and binding on all parties.

### **41 Remedies**

41.1 The Board may impose one or more of the following penalties or sanctions:

41.1.1 order the Complainant (if a Member) or the Respondent, to meet any of SLSNZ's reasonable costs in dealing with the Complaint;

41.1.2 reprimand the Member;

41.1.3 issue a written warning;

41.1.4 require an apology by any party to any Member affected by the breach;

41.1.5 withdraw any awards, placings or records, sanctioned by SLSNZ, including District and Regional awards;

41.1.6 revoke a Member's SLSNZ Life Membership, District Life Membership and/or Regional Life Membership;

41.1.7 enforce any sanctions imposed by the International Lifesaving Federation or Sports Tribunal in addition to any sanction of its own which it thinks appropriate in the circumstances;

41.1.8 suspend the Member from any related activity which is run by SLSNZ;

41.1.9 suspend the Member from Membership for a specified period;

41.1.10 terminate the Member's Membership;

41.1.11 in the case of a Club, propose a resolution that the Club is not of Good Standing in accordance with Rule 11.7 of the Constitution;

41.1.12 in the case of an Appeal from a Club Decision: confirm or vary that Club's original penalties;

41.1.13 in the case of an Appeal from a Club Decision, require the Club to rehear the Complaint in accordance with the dispute resolution procedures in their constitution and policies and in accordance with natural justice principles;

41.1.14 any other Remedy the Board considers commensurate with the offence;

41.1.15 a combination of any of the above Remedies as the Board thinks fit; or

41.1.16 decline to take any further action

41.2 In determining what Remedies, if any, to impose, the Board may take into account the following factors:

41.2.1 the nature and seriousness of the breach;

41.2.2 whether the Respondent knew or should have known the behaviour was a breach;

41.2.3 level of remorse demonstrated, including any apology given;

41.2.4 the effect of the proposed disciplinary measures on the Respondent, including any personal, professional or financial consequences;

41.2.5 if there have been relevant prior warnings or disciplinary action;

41.2.6 the age and experience of the Respondent; and

41.2.7 any mitigating circumstances.

41.3 The Board may also take into account the above factors relating to the Complainant in the case of an Appeal from a Club Decision in determining any Remedies.

41.4 The Board may also make other non-binding recommendations to a Club, such as improving policies or processes.

## **42 Child Protection**

42.1 Where a decision involves child protection concerns, the safety of the child is the priority, and the Board must consult with the SLSNZ Child Protection Officer before making any decision on imposing any Remedies.

## **43 Restorative Justice**

43.1 After the Board's decision, SLSNZ may facilitate a restorative justice process where appropriate if all parties agree. The restorative justice process aims to restore trust and repair damaged relationships.

## **PART 11 – APPEALS**

### **44 Who can appeal a Decision?**

44.1 Any party to any decision of SLSNZ made under 41 Remedies, where they have exhausted their rights of appeal in the Constitution and/or Regulations, may appeal (the Appellant) the decision to the Sports Tribunal of New Zealand.

Except, there is no right of appeal to the Sports Tribunal of New Zealand for any decision made on an Appeal from a Club Decision.

44.2 The rules of the Sports Tribunal apply to any such appeal.

44.3 The Sports Tribunal's decision is final, and there is no further right of appeal.

#### **45 Grounds For Appeal**

45.1 An appeal to the Sports Tribunal may only be made on one or more of the following grounds:

45.1.1 that natural justice was denied;

45.1.2 that SLSNZ acted outside of its powers and/or jurisdiction (i.e. acted ultra virus);

45.1.3 that substantially new evidence has become available after the decision, which is being appealed, was made; or

45.1.4 in respect of a decision relating to misconduct involving the Appellant, that the penalty was either excessive or inappropriate.

#### **46 How Do I Appeal?**

46.1 Written notice of the appeal must be sent within twenty-eight (28) days from the date the Appellant was notified of the decision of SLSNZ to the Sports Tribunal and must be in accordance with the rules of the Sports Tribunal.

#### **47 Re-admittance Of Terminated Membership**

47.1 If a Member's membership was terminated following a dispute resolution process, the Member may be re-admitted only by a Special Resolution passed at a SLSNZ General Meeting on the recommendation of the Board. The decision of that General Meeting is final and there is no right of an Appeal of that decision to the Sports Tribunal.

### **PART 12 - GENERAL**

#### **48 Complaints Register**

48.1 All matters relating to a Complaint must be recorded in writing and placed on a confidential Complaints Register, including:

48.1.1 the Complaint itself;

48.1.2 notifications;

48.1.3 process followed (informal or formal);

48.1.4 any response to the Complaint/notifications;

- 48.1.5 notes of any meetings or conversations;
- 48.1.6 relevant documents;
- 48.1.7 Complaints Investigation Committee minutes; and
- 48.1.8 decision or outcome.

#### **49 Confidentiality of Investigations**

- 49.1 Complaint investigations are strictly confidential until a final decision is issued, and no party may share any information about the investigation except:
  - 49.1.1 unless disclosure is required by law or to protect the safety of any person; or
  - 49.1.2 to any internal or external party as required under the Constitution, Regulation or this Policy; or
  - 49.1.3 as agreed between the Complainant, the Respondent and SLSNZ.
- 49.2 SLSNZ may notify a Club's governing body of a Complaint against their Member, and what the allegation is.

#### **50 Publication of Decision**

- 50.1 the Board's decision is not confidential and may be made publicly available as the Board considers appropriate.
- 50.2 A Board's decision must not be made publicly available until:
  - 50.2.1 after the expiry of the 28 days appeal notice to the Sports Tribunal, if an appeal is allowed under this Policy, and there is no appeal; or
  - 50.2.2 after the Sports Tribunal has released its decision if an appeal is made to the Sports Tribunal.
- 50.3 If having regard for the interests of any person or public interest, the Board may decide to keep confidential:
  - 50.3.1 the name of any person involved in the investigation;
  - 50.3.2 any evidence or information presented before the Board; and/or
  - 50.3.3 the decision of the Board (or part of the decision).

#### **51 Support**

- 51.1 The following support is available to all parties, before, during and after a Complaint process. For more information, see the SLSNZ [Wellbeing](#) webpage.
  - 51.1.1 Peer Supporters: SLSNZ Peer Supporters are specially trained SLSNZ Members who can provide confidential support to their fellow Members and link Members with the support they need to manage their wellbeing during the Complaint process. Peer Support details are available on the wall of every Club.



51.1.2 Counselling Support: All active and current Members and their immediate families have access to two fully funded counselling sessions per issue, as well as wellbeing resources through TELUS Health.

## **52 What Other Regulations or Policies Might Apply?**

### 52.1 Regulations:

- Regulation 5 Member Protection
- Regulation 6 Process of Complaints Investigation Committee
- Regulation 12 Anti-Doping
- Regulation 13 Anti Match Fixing and Sports Betting

### 52.2 Policies:

- Safeguarding Children Policy and Procedures
- High-Performance Selection Policies (Ocean Beach & Pool, and Surf Boats)



## APPENDIX 1 - ROLES AND RESPONSIBILITIES OF SLSNZ STAFF

Complaints Officer	Chief Executive Officer	Senior Management Team	Other Staff
Be fully informed about the Policy and procedures in the SLSNZ: <ul style="list-style-type: none"> <li>• Constitution</li> <li>• Regulations,</li> <li>• Complaint Policy, and</li> <li>• Member Protection policies</li> </ul>	Monitor the process for any formal Complaints and provide advice as required.	Be informed about Complaint procedures and direct members to information about the procedures	Be informed about Complaint procedures and direct members to information about the procedures
Understand and apply the principles of natural justice		Discuss how to provide informal resolution support for any issue with the Complaints Officer	Forward any issues that may benefit from informal resolution to their manager or the SMT.
Liaise with the Sport Integrity Commission and understand their processes		Forward any formal Complaint received to the Complaints Officer	Forward any formal Complaint received to the Complaints Officer
Ensure a Complaint information section is kept up to date on the website		Maintain confidentiality about any dispute or Complaint	Maintain confidentiality about any dispute or Complaint
Maintain a Complaints Register			
Provide guidance to, and assist members with informal resolution processes			
Inform and consult with the Chief Executive Officer, National Child Protection Officer and GM People and Culture as required			
Respond to any formal Complaints as set out in this Policy, i.e.: <ul style="list-style-type: none"> <li>• Acknowledgement of Complaint</li> <li>• Notification to Respondent</li> </ul>			
Collate all Complaint documentation, including initial response and submit to the Board for their decision on the option to take			
Appoint and liaise with a Complaints Investigation Committee as required			
Advise all parties of any decisions and next steps in the procedure			
Maintain confidentiality about a Complaint			

**APPENDIX 2: SLSNZ COMPLAINTS FLOW CHART**
