



COMPLAINTS PROCEDURE

PURPOSE

The purpose of this Complaints Procedure is to provide and maintain an orderly, effective, efficient and proportional process to resolve complaints to which the CNZ Code of Conduct applies.

DEFINITION

In this Complaints Procedure a:

- CNZ Entity is Croquet New Zealand Inc.; CNZ's member Associations; and Clubs affiliated to CNZ member Associations.
- CNZ Affiliate is an individual who is:
 - an officer or member of a CNZ Entity;
 - participating in the sport of croquet at the premises of a CNZ Entity;
 - engaged by a CNZ Entity and/or is present at the premises of a CNZ Entity and is involved in croquet related activities whether as an employee, coach, or a volunteer and irrespective of the duty being performed;
 - attending by invitation or consent at the premises of a CNZ Entity.

APPLICATION

This Complaint Procedure applies to:

- any CNZ Affiliate when assisting in any activity involving croquet whether as contractor, coach, employee, or volunteer; and
- any CNZ Affiliate participating in the sport of croquet at the premises of a CNZ Entity; and
- anyone engaged by a CNZ Entity to assist with travelling arrangements for, or transportation of, players; and
- anyone attending by invitation or consent at the premises of a CNZ Entity.

Complaint

A CNZ Affiliate who believes he or she has been adversely affected by the conduct of another CNZ Affiliate involving a matter of behaviour or conduct to which the complainant considers the CNZ Code of Conduct may apply may make a complaint in accordance with this procedure.

Implementation of the Procedure

A. Complaints Arising in the Context of a Tournament

A complaint that arises in the context of a tournament will be handled by the CNZ Entity controlling that tournament. CNZ itself will deal only with complaints arising at tournaments or events under its direct control.

When a complaint arises in the context of a tournament, it should be submitted to an Office Holder of the CNZ Entity controlling that tournament where practicable. It may, however, be submitted to an Office Holder of the CNZ Entity hosting the tournament, in which case that Office Holder of the hosting entity must ensure that the complaint is forwarded promptly to the CNZ Entity controlling the tournament or event.

A complaint will not prevent the tournament proceeding in a timely manner.

B. Complaints Arising Other Than in the Context of a Tournament

A complaint that arises on any occasion other than in the context of a tournament shall be submitted to an Office Holder of the CNZ Entity where the matter that is the subject of the complaint is alleged to have occurred.

C. Commencing a Complaint

The complainant shall provide a note or memorandum in writing to the appropriate recipient described in A or B above. This shall state the place, date and time of the occurrence and sufficient detail for the nature of the matter to be understandable by a third party. If possible, the complainant should provide the names of witnesses who may be able to comment on the substance of the complaint.

D. Integrity

To avoid the risk of unfair treatment, it is important that all complaints are made honestly and only discussed with those people who need to know. The complainant should be made aware of the legal consequences of frivolous or vexatious accusations.

Investigation of the Complaint

The Office Holder of the CNZ Entity responsible for dealing with the complaint will appoint an Investigator to consider the complaint promptly, appropriately, and fairly.

The Investigator will interview:

- the complainant;
- the respondent (the person against whom the complaint is made); and
- any witnesses.

A support person may be present with the complainant and respondent and shall be present if either is under 18 years of age.

The Investigator will advise the complainant, respondent and witnesses of the necessity of confidentiality and the potential consequences of any breach.

The Investigator will prepare a report regarding the facts of the situation based 'on the balance of probabilities'. The report will include:

- the basis of the complaint
- the response of the respondent to the allegation(s)
- a summary of any information provided by witnesses
- reasons why any one person's evidence is preferred
- details of the investigation
- any recommendations for the resolution of the complaint
- when appropriate, any recommendation as to how to prevent this type of thing happening again\

Rights of the Respondent

The respondent must be given the opportunity to:

- understand that the investigation/hearing is unbiased, where both sides have the right to be heard, but the respondent has the right to have the final say in response to the evidence
- know what the complaint is about and who it is made by
- respond to the complaint and have their account heard
- have time to respond, and
- have support to respond

Decision Making

The Investigator will recommend the outcome of the complaint to the Office Holder by whom the appointment was made. The Office Holder will confirm the outcome with the CNZ Entity and notify the complainant and the respondent.

The Investigator may dismiss the complaint or may make recommendations that may include:

- a verbal or written apology
- a letter of reprimand
- a fine or levy
- a referral to counselling
- a termination of engagement or appointment
- a change in role or duties
- an exclusion from team selection
- suspension
- an expulsion from membership
- any other measures the investigator considers appropriate
- a combination of any of the above

If the Investigator determines that the complaint warrants it, or if the Office Holder receiving the report requires it, a disciplinary committee meeting will be convened promptly and desirably within 21 days of the completion of the Investigator's report. The committee will:

- receive the Investigator's report
- consider the report
- provide the complainant and the respondent with the opportunity to respond to it and comment on what they feel is appropriate action
- determine if and what disciplinary action is appropriate

Record keeping

A confidential record of formal complaints that have been upheld shall be retained in accordance with the CNZ Privacy Policy. This record should include a record of the investigation, the decision of the disciplinary committee, if any, and of the CNZ CE, if any, and what action was taken.

Records of formal complaints that are not upheld shall be destroyed after 3 months after all decisions under this Complaints Procedure have been finalised.

Retaliation

Retaliation against an individual who has filed a complaint, participated in any procedure under the policy or been associated with a person who filed a complaint will be treated as harassment.

Support for the parties involved

The CNZ Entity involved will arrange for both the complainant and respondent to have access to appropriate support. The support person or people are also bound to confidentiality to the same extent as the complainant and respondent.

Confidentiality

All people involved in the investigation of complaints are required to keep it confidential during the course of the investigation and ongoing confidentiality may be required.

Wrongful Decision

If either of the parties to a decision made under this Complaints Procedure consider the decision is to be one that no reasonable person could reasonably have made, or that it took into account factors that should not have been considered, or it failed to take into account matters that should have been

considered, then that party may place the concern in writing before the Chief Executive of CNZ within 21 days of the decision being made. Such application shall not extend to a decision correctly made with which the party disagrees. The CNZ CE shall consider the matter with due expedition and may vary the decision or dismiss the matter at the CE's absolute discretion. The CE's decision shall be final.