



## COMPLAINTS PROCESS: PHOENIX AQUATICS INCORPORATED

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### 1. General

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
- **Maintain** confidentiality
- **Protect** against victimisation
- **Keep** accurate records
- **Make** decisions based only on information gathered not personal views
- **Ensure** disciplinary action is relative to the breach

### 2. Timeframe for Lodging Complaints

A formal complaint must be received by the club secretary in writing, (an e-mail is acceptable), not later than **seven (7) days** following the incident that has led to the complaint. An extension will be considered for complaints made by the general public.

### 3. What to Include in Your formal complaint

Please send your complaint to the club secretary and ensure you document your concerns using the format below:

- Email to [phoenixaquatics.secretary@gmail.com](mailto:phoenixaquatics.secretary@gmail.com)
- Clearly determine if you would like the issue pursued informally or formally as this will shape our response.
- Include a brief description of the issue/incident as you see it.
- Include the names of all parties involved, time, place/location, club (if applicable)
- Where possible include names and contact details of any witnesses who are happy for us to contact them and discuss this issue.

Please be assured that this record and any additional notes will be kept in a confidential and safe place. If the Complaint is of a serious nature, or is escalated to and/or dealt with at a regional or national level, the original must be forwarded to the appropriate Regional or National Associations or appropriate external agency.

### 4. Complaint Handling Options

Once received Phoenix Aquatics ("PA") will deal with the complaint in one of three ways:

- **Informal** – for example for less serious cases of discourteous, rude or offensive behaviour, coaching favouritism or advantage
- **Formal** – extreme bullying, physical or verbal assault, missing out on selection due to race or religious beliefs
- **Referral to an external agency** – for very serious issues e.g. suspicion of harm against a child.



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### 5. Process for dealing with a complaint

When a complaint is received this will immediately be referred to the Club President 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 must delegate the role of Complaints Review Officer to another club officer or committee member.

The Complaints Review Officer will meet with the complainant and:

#### 5.1 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

#### 5.2 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. If a formal process will inevitably follow then a copy of the complaint to the defendant will be provided at the earliest opportunity.
- Keep everyone informed of the timeframe for an investigation

#### 5.3 Gather Evidence

- Identify what information is needed and who can best provide it to ensure informed 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

#### 5.4 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



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- 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)

### 5.5 Course of Action

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:

#### (a) Informal Process

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
- 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
- Get back to the person complaining with the outcome and monitor the situation.

#### (b) 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 of a nature where the offence has been repetitive, abusive, offensive or dangerous
- 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



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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 club committee hearing
- c. Escalation within the sport (to Regional Sport Organisation RSO or National Sport Organisation NSO level)
- d. Referral to an external agency

### (i) Steps to follow

#### a. Mediation

If **both** parties are agreeable to mediation taking place The Complaints Review Officer will:

- 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

#### b. Club Committee Hearing

If:

- the complainant requests this action,
- either party feels mediation is not possible,
- there is a possible detriment to either party if the complaint is unresolved,
- a quick resolution is required (e.g. when a decision is needed so as not to impact on meet participation)
- the outcomes could include disciplinary sanctions including suspension or termination of membership,
- the need for referral to regional or national organisations for further investigation
- referral to an external authority,

The Complaints Review Officer will:

- Arrange appointment of a panel of up to three persons (being members of the Club Committee and which may also 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 hearing at the earliest possible time
- Advise all parties, in writing, to the complaint, of the date, time and place for the hearing and the process that will be followed during the hearing
- Advise both parties they can bring a support person to the 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 committee to gather more information and report back to the hearing committee with recommendations before decisions are made if required (e.g. more serious or sensitive complaints such as sexual or racial harassment)



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- 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 Club 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 RSO or NSO

If

- the complaint 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

The Complaints Review Officer will:

- Contact the CEO of the Auckland Swimming or Swimming NZ or the local Regional Sports Trust 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 Agency

All very serious allegations require urgent action and usually involve an investigation. This option will be chosen by the Complaints Review Officer if:

- The club's rules and disciplinary procedures do not enable for the Auckland Swimming or Swimming NZ 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

Options for handling very serious complaints include:

- Referral to police
- Referral to a child protection authority
- Referral to an anti-discrimination agency