



Northern Suburbs Netball Inc.

Complaints Resolution Process

Updated May 2007

The following policy is intended to facilitate the effective resolution of all complaints submitted to the Northern Suburbs Netball (NSN) Complaints Committee.

Guiding Principles:

- To ensure that all complaints are heard and resolved fairly, properly and promptly.
- To ensure that all parties are dealt with respectfully and clearly informed of the process, and outcome.
- To ensure that the complaints process complies with relevant legislation and the principles of natural justice.

Purpose:

- Players are entitled to play netball in a fair, safe and proper way.
- Players, coaches, parents, supporters, umpires, member schools and NSN Executive Committee are entitled to make a complaint if they believe that the game has not been played in a fair, safe and proper way.
- People who make a complaint or are the subject of a complaint should be clearly informed of the process by which the complaint will be resolved.
- The Complaints Committee must have guidelines to allow a fair, proper and prompt investigation and resolution of any complaints.
- All parties who have made, have been subject to the complaint or have provided advice should be informed of the determination (as appropriate for their involvement).

1. Complaints

1.1 Any person may lodge a complaint about a netball game with Northern Suburbs Netball concerning:

- a) a member including a player, umpire, coach, school official/personnel, manager, or NSN Executive committee member;
or
- b) a supporter or other person attending a game; or
- c) a dispute regarding the result of a game.

1.2 Every complaint must be:

- a) in writing (using the prescribed form 2007 Complaint to Northern Suburbs Netball Inc.) with sufficient information in order that the complaint process can proceed; and
 - b) made as soon as reasonably practical but no later than seven days of the event being complained about; and
 - c) signed by the Complainant and the Principal or Deputy Principal of the school or, where the Complainant is not associated with a school, signed by a NSN Executive Committee member.
- 1.3 The subject of the complaint may be one or more of the following:
- a) misconduct including verbal or physical abuse, assault, threatening behaviour or harassment by a member or a supporter;
 - b) unacceptable standard of umpiring, scoring or timekeeping;
 - c) mis-graded, unregistered or non-financial members playing a game;
 - d) breach of NSN's Constitution, bylaws or policies;
 - e) failure by a member school to pay fees or other monies in the designated time frame or failure to meet any other financial obligations owing to NSN; or
 - f) any other conduct or incident which the Complaints Committee considers may be subject to these regulations.
- 1.4 The party making the complaint will be asked to agree (on the Complaint Form) that the information regarding the complaint can be passed to the other school/party. No names or identity will be disclosed.

2. Categorisation and Referral

- 2.1 All complaints received by NSN will be forwarded to the Complaints Committee, who will assess and categorise the complaint as one of the following:
- a) **Minor – no other action required** (consists of but is not limited to minor infringements, minor misconduct, not enough information, partly or fully dealt with at the time, vexatious complaint); or
 - b) **Minor – further action required** (consists of but not limited to more serious misconduct or umpiring infringements, scoring or timekeeping breaches, non-financial players, breach of rules); or
 - c) **Serious** (consists of but not limited to very serious misconduct or breach).
- 2.2 All complaints will be entered into a Complaints Register maintained by the Complaints Committee.
- 2.3 The Complaints Committee will action all complaints as outlined in 3. below.
- 2.4 Where the initial complaint results in more than one complaint (i.e. two or more complaints could arise from the same situation), all complaints should be given due and equal consideration. Note: Subsequent complaints should not be relegated in importance as 'counter-complaints'.

- 2.5 Where the complaint also consists of criminal offending (eg assault), the Complainant must inform the Complaints Committee whether the complaint has also been referred to another tribunal, authority or agency for determination.

The Complaints Committee will determine whether they should continue to hear the complaint in these circumstances and will advise all parties of their decision.

Should a complaint also be made to another agency outside of NSN then the outcome of that enquiry will have no bearing on the determination made by NSN.

- 2.6 Where a complaint is made about a person or school, the Complaints Committee will liaise with the school in the first instance to identify the facts and parties concerned.

3. Complaints Committee

- 3.1 The Complaints Committee will consist of three persons appointed by NSN. Each person will be independent of one another. (A qualified umpire may be co-opted onto the Committee as required).

- 3.2 All three members of the Complaints Committee will review, determine and decide upon all complaints in a confidential and professional manner.

- 3.3 On receipt of a complaint the Complaints Committee shall as soon as reasonably practical but no later than five working days for a serious complaint and ten working days for other complaints, after receipt by NSN of all information required from all parties to the complaint, discuss and/or investigate the complaint and make a determination.

- 3.4 For the purposes of the investigation in regulation 3.3 (above), and to ensure all parties to the complaint are informed the Complaints Committee may:

- a) request the Chairperson or another person to undertake work on its behalf;
- b) contact the Complainant;
- c) contact the member or supporter being complained about;
- d) request submissions (in writing) from any or all parties (including independent witnesses);
- e) decide to call a hearing – (notice of the hearing and an invitation to all parties together with details of how hearing will proceed will be provided);
- f) take any other action (including seeking further information/advice) which will assist the Complaints Committee to understand the complaint.

- 3.5 All discussions, from or between any party, regarding a complaint must be made in writing.

- 3.6 Where there is a conflict or potential conflict of interest with any of the parties to the complaint and a member or members of the Complaints

Committee then the member(s) with the conflict or potential conflict of interest must stand down. The remaining member(s) will co-opt replacement members ideally from the NSN Executive Committee to resolve the complaint.

- 3.7 Where the Complaints Committee requires any additional assistance, expertise or resources to reach a decision, the NSN Chairperson or nominated representative is to be called upon in the first instance. NSN is a satellite member of Netball Wellington Centre who is also available for assistance and guidance.
- 3.8 For the purposes of determination in regulation 3.3 (above), the Complaints Committee may adopt one or more of the following courses of action:
 - a) determine that no further action will be taken;
 - b) issue a warning to the member or supporter and/or advise the school involved in the game (where appropriate) or the member of the consequences of any future (good / bad) conduct brought to the attention of the Complaints Committee.
 - c) require the member to tender an apology (in writing), to undertake training or any other appropriate action;
 - d) censure the member or supporter and/or advise the school of the member or supporter of the censure;
 - e) reverse the result of a game or determine that a game must be replayed;
 - f) suspend the member from NSN (this may include playing, umpiring, coaching, or attending games as a spectator) for a period not exceeding two years;
 - g) decide any other penalty or action that the Complaints Committee determines is appropriate in the circumstances.
- 3.9 The Complaints Committee may suspend a member from NSN prior to a determination under regulation 3.3 (above) where it considers that suspension is necessary in the interests of NSN and/or its members. Where any member is suspended the NSN Complaints Committee must hear the complaint within 5 working days.
- 3.10 If a complaint results in a suspension or is categorised as serious by the NSN Complaints Committee this must be advised to Netball Wellington Centre at the time the determination is made.
- 3.11 Subject to these regulations, the Complaints Committee may determine its procedures as it considers fit – this must comply with relevant legislation and the principles of natural justice.
- 3.12 Each case is to be determined by the Complaints Committee and judged on its own merits.
- 3.13 All determinations are to be logged in the NSN Complaints Register held by the Complaints Committee. This will include a summary of the complaint, the parties involved, who made the decision and the resolution of the complaint.

All previous complaints covering similar facts are to be reviewed to ensure that new determinations are as fair and consistent as possible.

An individual's complaint history (see 3.17 below) will involve all complaints including those not upheld or considered minor.

- 3.14 The Complaints Register should be confidential to the Complaints Committee and the Chairperson of NSN. The Register will be held by one member of the Complaints Committee until passed to a successor in the following year.
- 3.15 Subject to rule 3.9 above, where a complaint is referred to the Complaints Committee, the member or supporter complained about and representatives of both teams involved in the dispute about the result or the game itself, have the right to be given the details of a complaint (within the guidelines of the Privacy Act 1993), and have their response heard by the Complaints Committee within 5 working days from receipt of the complaint.
- 3.16 All determinations will be communicated in writing to all relevant parties within 3 working days of the date of determination. Parties will be informed of their option to appeal any determination.
- 3.17 Subject to rule 3.13 above all complaint determinations and associated documents will be held on file with the NSN Complaints Committee for the remainder of the season and all of the following season to the end of the calendar year, from the date of the determination. The duration for each complaint is to be decided on a case by case basis and noted at the time of the determination.

Where the NSN Complaints Committee consider that the period of time the complaint and its determination and associated documents to be held on file should be longer than the above time frame then a decision on duration of the complaint should be made at the time of the determination and noted on the determination with the reason why an extended time period is considered necessary.

At the end of the designated time all reference to the individuals concerned and documents regarding the complaint will be destroyed.

The nature of the complaint and its determination will however continue to be noted in the NSN Complaints Register as a reference for future determinations to ensure fairness and consistency by the NSN Complaints Committee (see 3.13 above).

Where a complaint relates to a the person transferring to Netball Wellington

Competition before the duration of the complaint is completed; Netball Wellington Centre is to be advised prior to the start of the next season.

4. Appeals

A determination of the NSN Complaints Committee may be appealed to the Netball Wellington Centre Judiciary Committee. The Netball Wellington Centre Disciplinary Regulations 2001 will be followed. The appeal must be lodged with Netball Wellington Centre within 14 working days of receipt of the determination. The NSN Complaints Committee must be informed of the decision to appeal at the same time.