



Complaints Policy

1. Making a complaint

TBNZ is committed to having a clear, transparent and accessible process for people to make a complaint or disclosure. This includes ensuring that everyone (including staff, volunteers, contractors, members, parents, children and young people, and adults at risk) connected with TBNZ knows how and when to report issues.

Complaints or disclosures can be made in relation to any matters that arise in connection with TBNZ or tenpin bowling matters that we are responsible for or oversee. This can include actions or decisions of TBNZ members or officials, processes not being managed well (or at all), disagreements between our members, unprofessional or upsetting behaviour, or delays or failure to communicate about matters affecting a person.

It also covers prohibited behaviours that represent a threat to integrity within TBNZ or tenpin bowling.

Complaints or disclosures should be made in writing, as soon as possible after issue occurs. If you are able to, please use the complaints form at Appendix 2 of this policy providing as much of the information requested as possible. Where this is not possible, you can make a verbal complaint by contacting the TBNZ complaints officer directly (see their details in the Complaints Officer / Committee section).

Anonymous complaints

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

TBNZ may accept anonymous complaints if there is a compelling reason to do so and if sufficient information is provided to enable fair and effective resolution or investigation of the matter.

If a complainant wishes to remain anonymous or asks that certain information remain confidential and this prevents TBNZ from carrying out a fair process, TBNZ may decide not to take any further action in relation to the complaint. TBNZ will inform the complainant of this before closing the matter.

2. Responding to complaints or disclosures

As soon as reasonably practicable after receiving a complaint or disclosure, or otherwise becoming aware of a prohibited behaviour, TBNZ will take steps to resolve the matter.

Appendix 1 of this policy sets out TBNZ process for handling complaints and disclosures.

TBNZ will encourage complaints to be resolved informally and at the earliest opportunity if it is appropriate to do so.

If a complaint cannot be resolved informally or the complaint is unsuitable for informal resolution, TBNZ will handle the complaint using the process set out in Appendix 1. TBNZ will consult the parties to a complaint or disclosure on the outcome(s) they are seeking and their preferences for dealing with the matter. This includes seeking and taking into account their views on:

- a. what steps should be taken to resolve the matter
- b. the extent to which they want to participate in any complaint process and how this can be supported or facilitated
- c. what support or accommodation they need to support their participation in a complaint process (see 'Responsive to the needs of parties' below)
- d. what necessary and reasonably practicable steps TBNZ can take to safeguard a complainant, including to mitigate the risks of retaliation or victimisation.

TBNZ may take steps to resolve the matter in accordance with this policy, including through:

- a. consent-based dispute resolution including facilitation, mediation, or restorative practice;
- or
- b. an investigation and disciplinary process.

3. Responsive to the needs of parties

As far as reasonably practicable, we will be responsive to the needs of the parties involved in a complaint or disclosure. This may include, but is not limited to:

- a. consulting with those involved in the process about their needs and preferences in addressing the matter
- b. adapting the process to support the equitable participation of all parties
- c. taking steps to accommodate and respond to the needs of participants
- d. using culturally responsive resolution processes
- e. supporting the involvement of support people, family, whānau and intermediaries.

4. Appeal rights

Any decision made by TBNZ's disciplinary body may be appealed to the Sports Tribunal of New Zealand in accordance with section 38(ac) of the Sports Tribunal Act 2006

5. Privacy and confidentiality

Personal information collected or held by TBNZ, including in relation to any integrity complaint or disclosure, must be managed in accordance with the Privacy Act 2020 and with TBNZ's privacy policy.

Personal and confidential information will only be disclosed or used by us as required or permitted under the relevant privacy laws and any relevant confidentiality obligations.

As far as reasonably practicable, we will seek permission from the complainant before disclosing personal or confidential information provided by or on behalf of a complainant.

TBNZ confirms that anyone who provides personal information to it in connection with any Integrity Code obligations or activities will be advised about:

- a. the purpose of collecting the personal information
- b. what it will be used for
- c. how it will be stored
- d. how long it will be kept for
- e. whether the information will be shared or disclosed

6. Fairness, impartiality and conflicts of interest

TBNZ will address each complaint equitably, objectively and impartially.

If a complaint is about TBNZ or a person employed or acting on behalf of TBNZ, we will ensure that the person handling the complaint is different from any person who is involved in the complaint.

Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

7. Natural justice

TBNZ and any person acting on behalf of TBNZ must give effect to this policy in a way that is consistent with the principles of natural justice. This includes ensuring affected parties are given the opportunity to be heard in relation to any matter which affects that person's rights, obligations or interests protected or recognised by law and decision makers are unbiased.

The right to be heard before a complaint is resolved or any outcome is determined will be taken to have been given if:

- a. the respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response
- b. the complainant and respondent have had a reasonable opportunity to be heard in writing or at an oral hearing (if one is held)
- c. an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing
- d. an oral hearing (if any) is held before the decision maker
- e. the written statements or submissions of the complainant and the respondent (if any) are considered by the decision maker.

A decision maker must be impartial and able to consider the matter without a predetermined view.

If TBNZ or any party to the complaint has serious concerns about the ability of the matter to be decided fairly and in accordance with the principles of natural justice and raises such concerns with us, we will assess whether the matter is more appropriately dealt with by referral to the Commission for assessment (see Role of the Sport Integrity Commission section).

8. Issues of serious concern

If, at any time, TBNZ considers that a complaint or disclosure it is dealing with under this policy may constitute an issue of serious concern, it must report the matter in accordance with our mandatory notification policy.

TBNZ may notify any other person, body or public sector agency (eg, New Zealand Police or a professional regulatory body) if it is:

- a. permitted under the Privacy Act 2020 (eg, because a person consents to their information being shared or it is necessary to prevent or lessen a serious threat to public health or public safety)
- b. required to do so under law or by another legal obligation.

9. Recording keeping

All matters relating to a complaint or a disclosure will be recorded in writing and held on file securely and confidentially. This includes:

- a. details about the complaint or disclosure including the issues raised
- b. contact information of the person making the complaint or disclosure and any other parties involved
- c. notes of any meetings or conversations related to the complaint or disclosure
- d. relevant documents and information about the complaint or disclosure including any relevant minutes
- e. details of any action or decision or outcome relating to the complaint or disclosure.

TBNZ will maintain a record of complaints and disclosures for the purposes of:

- a. providing updates and responding to requests for information by the complainant or person making a disclosure and parties
- b. supporting any further action in relation to the complaint such as disciplinary action, appeals or reviews
- c. meeting our obligations under the Integrity Code including to notify the Commission of issues of serious concern and to provide information to the Commission to assess compliance with the minimum standards under the Integrity Code
- d. identifying trends and patterns in TBNZ related to integrity
- e. improving our processes for addressing complaints or disclosures in relation to threats to integrity, including the fairness, timeliness and effectiveness of this policy.

Our record keeping will comply with our privacy policy.

10. Complaints officer

TBNZ will always have a complaints officer. Their responsibilities include to:

- a. ensure this policy is kept up to date and reviewed every year
- b. provide information and guidance about this policy, including to our members, complainants, persons making a disclosure and parties
- c. liaise with the Commission on complaints or disclosures that the Commission is handling or otherwise involved in
- d. ensure this policy is accessible (eg, on our website) and our members are informed about the complaints process from time to time.

The complaints officer's details are set out below.

Name(s): Ian Klein

Role: Complaints Officer

Phone: 021458723

Email: admin@tbnz.co.nz

Appendix 1 – Complaints, disclosures and resolution process

1. This document sets out our complaints and resolution process for integrity complaints or disclosures.
2. When receiving and handling complaints or disclosures, TBNZ will handle matters in accordance with this policy and the process set out below.

Information about our complaints process

3. This policy and information about our complaints and disclosure process is:
 - a. available on our website
 - b. shared regularly in our communications with our members and participants (eg, newsletters, social media)
 - c. provided to participants, our members and other persons bound by the Integrity Code at relevant times (eg, when agreeing to participate in our activities, events or competitions).
4. Information that is shared about our complaints process includes:
 - a. how complaints and disclosures can be made
 - b. who complaints can be made to (including the contact information for our complaints officer or complaints committee)
 - c. what information should be provided by the complainant and how it will be handled (eg, any privacy or confidentiality obligations that apply)
 - d. what the complainant should expect to happen next.
5. We will ensure that our systems to manage complaints and disclosures are easily understood and accessible to everyone, including children, young people and adults at risk.

Informal and early resolution

6. Informal and early resolution will be appropriate for many issues and concerns that arise within TBNZ and the events and activities we are responsible for.
7. This is appropriate for minor, low-level and one-off issues such as:
 - a. low-level swearing, derogatory or disrespectful comments
 - b. aggressive or heated verbal exchanges or verbal abuse
 - c. mistakes, misunderstandings, or poorly judged comments and jokes.
8. Informal resolution can include:
 - a. raising concerns directly with the person who has behaved in a way causing concern
 - b. asking a trusted person in TBNZ or the relevant club or team to address the issue on your behalf or facilitate a conversation
 - c. calling out poor behaviour in a respectful and appropriate way.
9. Informal resolution may not be possible in some circumstances. This includes if there are safety concerns, the behaviour is serious, there are actual conflicts of interest, or the complainant wishes to remain anonymous.
10. Informal resolution will not be appropriate for issues of serious concern (as defined in our mandatory notification policy), behaviour causing serious harm or risk of harm, repeated prohibited behaviour, or for most matters involving harm to children, young people, and adults at risk.
11. If an issue cannot be resolved informally, then it should be reported as a complaint or disclosure in accordance with this policy.

The complaints process

12. TBNZ has a five-step complaints process.
 - a. Step 1 – Receive and acknowledge a complaint or disclosure
 - b. Step 2 – Assess the complaint
 - c. Step 3 – Resolve or investigate the complaint
 - d. Step 4 – Determine the outcome of the complaint
 - e. Step 5 – Close the complaint

Step 1 – Receive and acknowledge a complaint or disclosure

Making a complaint or disclosure

13. Complaints should be made in writing as soon as possible after the behaviour occurs. Complaints can be made by:
 - Email [insert email address]
 - Online [link to form]
14. Where this is not possible, you can contact [name of complaints officer] who can assist you to put your complaint in writing.
15. Complaints can also be made to the Sport Integrity Commission, regardless of whether a complainant has first sought to resolve the matter with TBNZ.

Acknowledgment of complaints and disclosures

16. We will acknowledge receipt of complaints or disclosures within three working days.
17. We will initially assess the complaint or disclosure to understand the urgency and/or seriousness of the issues raised. A complaint may be referred, escalated or dealt with urgently if it:
 - a. concerns an immediate risk to safety or security
 - b. is an issue of serious concern and needs to be reported to the Commission
 - c. involves actual or suspected criminal behaviour and should be reported to the police or another organisation.
18. We will consult with and inform the complainant if we consider that the complaint should be referred to the Commission, the police and/or another organisation.
19. We note that where a disclosure is made and the person making that disclosure does not wish to give their identity or advance the issue as a complaint, TBNZ will take reasonably practicable steps to address any harm identified, but may not be able to conduct a full assessment of the issue and/or advance the issue through the complaints process.

Step 2 – Assess the complaint

20. We will assess the information provided by the complainant and contact the complainant to discuss next steps, support and any safeguarding or wellbeing concerns the complainant has. We may ask the complainant to provide further information.

21. We will inform the complainant that the complaint (and relevant information) will be shared with:

- a. individuals within TBNZ who are responsible for addressing the complaint
- b. the person or organisation complained about (the respondent).

22. If the complainant is not willing to have their complaint or identity shared with the respondent, we will advise that the complaint may not be capable of resolution to the complainant's satisfaction. In these circumstances, we will consider whether referral of the complaint to the Commission is appropriate.

23. If the complainant is under 18, we will generally encourage the complainant to notify their parent/guardian and have a parent/guardian involved in the complaint resolution process.

24. If the respondent is under 18, their parent/guardian must be notified and must be present at any discussion about the complaint.

25. Complaints will be raised with the respondent in a way that seeks to preserve the dignity and mana of that person, their whānau and their wider community and their privacy.

26. We will consult and seek the views of the parties involved in the complaint on:

- a. what outcome they are seeking
- b. what process they would like to follow
- c. their needs.

27. We will inform parties of:

- a. the expected time frames for our actions
- b. the progress of the complaint and reasons for any delay
- c. if we are unable to deal with any part of the complaint and provide information about other options if possible.

28. At any stage, we may seek guidance from the Commission on an appropriate resolution process.

Step 3 – Resolve or investigate the complaint

29. We will identify the most appropriate way to resolve the complaint, taking into account the views and needs of the parties.

30. Possible resolution pathways include:

- a. consideration of the issues raised by the person or organisation complained of and provision of a written explanation for their or its actions
- b. dialogue between the parties, facilitated by TBNZ
- c. referral to the Commission for resolution, including through early resolution, mediation or a culturally responsive process
- d. use of a decision-making process by TBNZ.

31. We may make a referral to the Commission if the complaint is complex, serious, a party refuses to engage and cannot be compelled to engage, or if tailored support is needed.

32. We will identify and clearly communicate to the complainant what resolution process we propose to use and will talk with the parties to seek their agreement to that process before it is put in place.

Early resolution

33. Early resolution is an informal and flexible way to restore communication between parties, find solutions and help the parties to move forward assisted by an impartial person.

34. TBNZ will use our best efforts to help the parties resolve the complaint through early resolution.

35. If resolution is not achieved at this stage, TBNZ will consider if mediation, investigation or another resolution process is appropriate.

Mediation

36. Mediation is a process where the parties, with the assistance of external help, create a safe environment to address their issues and resolve them if they want to. Mediation is based on the principles of voluntariness, confidentiality, impartiality, and self-empowerment.

37. TBNZ will arrange for mediation of a complaint if:

- a. the complainant and respondent agree to mediation, and
- b. TBNZ considers that there is a reasonable prospect of the complaint being resolved through mediation.

38. TBNZ may:

- a. arrange for mediation of the complaint at the cost of the organisation, including selection of a mediator
- b. refer the matter to the Commission for assessment for mediation.

39. TBNZ may, with the consent of all parties:

- a. choose to attend the mediation
- b. receive a copy of any agreement reached through the mediation, whether or not TBNZ attended the mediation.

40. TBNZ reserves the right to refer some or all matters to an investigation and/or a disciplinary process regardless of the outcome of any mediation.

Investigation

41. Investigation is a process in which an independent person investigates the complaint to make factual findings and/or determinations.

42. TBNZ may:

- a. arrange for investigation of some or all issues at the cost of the organisation, or
- b. refer the matter to the Commission for investigation.

Appointment of investigator

43. TBNZ will appoint an appropriately qualified person to undertake a fact-finding investigation. TBNZ must:
- a. consider the needs of parties involved, including for a culturally responsive, age-appropriate or trauma-informed investigation process and ensure any appointments are made on that basis, and
 - b. consult all parties on the proposed investigator before commencing.
44. No person who has an actual or perceived conflict of interest which may affect their actual or perceived impartiality may undertake the investigation.
- Investigation process
45. The investigator will engage with TBNZ and the relevant parties about the nature and scope of the investigation before starting an investigation, unless inappropriate or not reasonably practicable in all the circumstances for this to occur.
46. The investigator will meet separately with the parties. These meetings will be held at a time and place and run according to a protocol/agenda that suits everyone, to the extent possible.
47. The parties can have a lawyer, advocate, and/or support person(s) (including family/whānau) at any meeting, who can make submissions on that person's behalf.
48. The investigator can request an interview with any person and request any evidence or information they consider to be relevant.
49. Where a party wants to rely on documents, these must be sent to the investigator who will provide them to the other party.
50. If a person declines to participate in the investigation process, the investigator cannot compel them to do so.
51. The investigator will provide a draft finding of fact and report based on all the information available to them at the time and provide it to all parties for comment. All parties will be given a reasonable time to provide feedback. The investigator's final report will take this feedback into account.

Step 4 – Determine the outcome of the complaint

52. If some or all matters are resolved through consensual resolution between the parties (including through informal resolution, early resolution or mediation), the outcome of the complaint will be the resolution agreed between the parties.

53. If a decision is required, including on the outcomes of any investigation, the following process will apply.

Decision-making process

54. TBNZ will provide the complainant and the respondent, in advance of the process, with an overview of the structure of the process, the identity of the decision maker(s) and expected timeframe.

55. TBNZ may ask the complainant and any other relevant people, including the respondent, to give further information in a way that is comfortable to them.

56. The decision maker will usually meet separately with the complainant and the respondent. These meetings will be at a time and place and will be run according to a protocol/agenda that suits everyone, to the extent possible. People may be accompanied by chosen family/whānau and/or other support people.

57. Decisions will be made in a careful, reasoned way that is justified on the facts and is consistent with any rules that apply and, if the decision follows an investigation, that the decision reflects the findings of fact and determinations made by the investigator.

58. The decision-maker will make their findings on the balance of probabilities. The decision will be recorded in writing and state, in plain language:

- a. the issue
- b. any applicable policy or rule
- c. the process followed
- d. the decision (complaint upheld or not upheld)
- e. the facts and any evidence relied on, including any submissions or explanations by anyone involved
- f. the reason for the decision
- g. whether the matter will be referred to a disciplinary process under TBNZ's disciplinary policy.

59. Where the decision-maker considers that the concerns raised by the complaint and/or the outcome of the decision affect or are likely to affect the interests of other parties, TBNZ will make best endeavours to obtain the views of such parties so the full context of the issue can be considered.

60. TBNZ will promptly provide a copy of the decision to the respondent and the complainant, and outline any appeal process. The outcome should be discussed so that the parties understand the decision, why it was made, and what will happen next.

Restoring trust and relationships

61. TBNZ will consider, and seek the views of the parties, on what support can reasonably be provided by TBNZ to:

- a. support any decision or outcome to be implemented
- b. restore the relationship between the parties and other affected stakeholders, including any restorative process
- c. prevent the same or similar issues arising in future
- d. what improvements to TBNZ's policies, processes or practices are required.

62. Where any complaints involve employees, should any decision relate to their employment, TBNZ will treat them in accordance with their employment contracts and employment law.

63. TBNZ will treat contractors (who are not employees) fairly, reasonably, and consistent with the terms of their contract.

64. TBNZ will treat volunteers fairly, reasonably and respectfully in making any decisions about their future conduct or participation in [the sport or recreation].

Step 5 – Close the complaint

65. At the time of closing the complaint we will record the following to assist in responding to any further reviews or appeals of the complaint, as well as supporting quality improvements:

- a. the nature and details of the complaint
- b. steps taken to address the complaint
- c. the outcome/s of the complaint (including whether it or any aspect of it was proven, any recommendations made to address problems identified and any decisions made on those recommendations)
- d. any outstanding actions to be followed up, including analysing any underlying or root causes to prevent the same or similar issues arising in future.

66. TBNZ will ensure that outcomes are properly implemented, monitored and reported to the complaints officer or committee, senior leaders and the board of TBNZ as appropriate.

67. All information relating to a complaint will be recorded in writing and placed on a confidential complaint file, including the complaint itself, any response to the complaint, notes of any meetings or conversations relating to the complaint, relevant meeting minutes, investigation report, the decision and any outcome, and held in accordance with our privacy policy.

Appendix 2 – Complaint form

Use this form to make a complaint to TBNZ

Tell us about yourself

Name:

Club/Organisation:

How do you want to be contacted?

Phone:

Email:

Age

Under 18

18 years or over

If you are making a complaint for someone else:

Name of person complaining on behalf of:

Contact details of person complaining on behalf of:

Your relationship to them:

Do you have permission to do this?

What is the complaint about?

Tell us what you want to make a complaint about. Describe the events. Please give us all the dates and relevant details that you can remember. What happened? Who did it happen to? When did it happen? (date and time) Where did it happen? You can attach any documents or photos that are relevant.

I have read the TBNZ privacy policy and I am aware of how my personal information will be used. Yes

Please email your complaint to:

Administration Manager

Email: admin@tbnz.co.nz

If you have any questions, please call 021 458723.