

Complaints Policy

1. Purpose

Auckland Diving Community Trust (ADCT) is committed to providing a safe, respectful, and positive environment for everyone involved in its activities.

This policy outlines how concerns, feedback, and complaints can be raised and managed in a fair, timely, and transparent manner.

ADCT recognises that concerns and complaints are a normal part of operating a programme and are valuable opportunities for learning, reflection, and strengthening our practices and culture.

ADCT recognises Te Tiriti o Waitangi as Aotearoa New Zealand's founding document and is committed to upholding its principles of Partnership, Protection, and Participation. This policy ensures complaints processes are culturally appropriate and respect the mana of all individuals involved.

ADCT is committed to aligning its complaints processes with the Sport Integrity Commission's Integrity Code, including:

- **Minimum Standard 1:** Prohibiting behaviours that threaten integrity (e.g., bullying, harassment, discrimination).
- **Minimum Standard 2:** Proactively safeguarding children, young people, and adults at risk.
- **Minimum Standard 3:** Implementing fair and effective dispute resolution processes.
- **Minimum Standard 4:** Notifying the Sport Integrity Commission of serious issues.
- **Minimum Standard 5:** Cooperating with the Commission in investigations and monitoring.
- **Minimum Standard 6:** Providing information to members about the Integrity Code.

For more information, visit: <https://sportintegrity.nz/the-integrity-code>.

2. Scope

This policy applies to all individuals involved in ADCT activities, including:

- Participants (divers)
- Parents and whānau
- Coaches and instructors
- Staff and contractors
- Volunteers
- Trustees and board members
- Supporters and spectators

This policy applies to all ADCT programmes, activities, events, travel, and online environments.

Complaints may be made anonymously via the Sport Integrity Commission Te Kahu Raunui (The Commission) where the complainant wishes to remain unidentified.

3. Principles

All concerns and complaints will be managed in accordance with the following principles:

- All complaints processes will be culturally appropriate, ensuring respect for the diverse cultures of those involved, including Māori and other communities.
- Everyone has the right to raise a concern or complaint
- Concerns are taken seriously and handled respectfully
- Processes are fair, impartial, and consistent with natural justice
- Individuals will have the opportunity to be heard
- Complaints are handled promptly and without bias
- Confidentiality will be maintained where possible
- The safety and wellbeing of participants is prioritised at all times
- Complaints are viewed as opportunities to improve practice and culture

Support for Parties

Both complainants and respondents have the right to be accompanied by whānau, support persons, or legal representatives (at their own expense) during any part of the process. Access to free counselling services (e.g., via Sport Integrity Commission Te Kahu Raunui) is available for all parties.

4. Types of Concerns

Concerns may include, but are not limited to:

- Behaviour that does not meet the ADCT Code of Conduct
- Coaching, selection and/or programme-related concerns
- Communication or relationship issues
- Health and safety concerns
- Safeguarding concerns
- Serious misconduct

Serious concerns include, but are not limited to:

- Unethical, dishonest, or illegal behaviour (e.g., fraud, theft).
- Harassment (sexual, racial, or otherwise).
- Bullying or abuse of power.
- Health and safety risks (e.g., unsafe practices, failure to follow protocols).
- Unlawful discrimination (e.g., based on gender, ethnicity, disability).
- Offensive or insulting language/behaviour (e.g., hate speech, verbal abuse).

These may be managed under ADCT's Disciplinary Procedure or referred to external agencies (e.g., NZ Police, Oranga Tamariki). Different types of concerns may follow different pathways, as outlined below.

5. Pathways for Raising Concerns

5.1 Informal Resolution

Where appropriate and safe, concerns should be raised early and addressed informally.

This may include:

- A conversation between the individuals involved, facilitated by an appropriate ADCT staff member
- Raising the concern with a coach
- Raising the concern with the Programme Manager or CEO

Informal resolution is encouraged for lower-level concerns where the issue can be resolved quickly and without the need for escalation.

Informal resolution is not appropriate for concerns involving more serious:

- Safety risks (e.g., physical harm, abuse).
- Safeguarding concerns (e.g., child protection issues).
- Serious or repeated misconduct (e.g., bullying, harassment).
- Conflicts of interest (e.g., where the person involved in the concern is in a position of power).

In such cases, complainants should proceed directly to a formal complaint (5.2) or, where the concern meets the thresholds in 5.3, report it immediately as set out in that section (including referral to external agencies such as Oranga Tamariki or NZ Police).

5.2 Formal Complaint

A formal complaint may be made where:

- The issue has not been resolved informally
- The concern is more serious in nature
- The complainant does not feel comfortable addressing the issue directly

Complaints should be submitted in writing and may include use of the ADCT Complaint Form on page 7 of this document.

Complaints can be submitted to:

- ADCT Admin at info@aucklanddiving.co.nz
- CEO
- Chair of the Board (if the complaint involves the CEO)

Complainants may also submit complaints directly to the Sport Integrity Commission Te Kahu Raunui . The Commission is an independent, confidential service that can:

- Provide guidance on raising concerns.
- Facilitate mediation or dialogue between parties.
- Support anonymous complaints.
- Offer free counselling services.

Contact: <https://sportintegrity.nz/making-a-complaint>

Complaints made to The Commission will be triaged and managed in collaboration with ADCT where appropriate.

Formal complaints should be submitted as soon as possible after the incident(s) occur. ADCT will acknowledge receipt of all complaints within 5 working days.

5.3 Serious Concerns and Immediate Action

Concerns involving the following must be reported immediately:

- Risk of harm to any individual
- Safeguarding or child protection concerns
- Serious misconduct
- Significant health and safety risks

These matters may:

- Bypass informal processes
- Require immediate action
- Be managed under other ADCT policies
- Be referred to external agencies where required (e.g. Oranga Tamariki or NZ Police)

Where a complaint involves:

- Risk of harm to a child or vulnerable adult, it must be reported to Oranga Tamariki (0508 326 459) and/or NZ Police (111).
- Serious misconduct (e.g., criminal behaviour), it may be referred to NZ Police or other relevant authorities.
- ADCT's Child Safety Protection Policy will apply in all cases involving children or vulnerable adults

6. Assessment and Process

Once a formal complaint is received, the recipient (as stated in 5.2 above) will:

- Acknowledge receipt of the complaint
- Document the complaint in the ADCT Complaints Register
- Assess the nature and seriousness of the concern
- Determine the appropriate pathway

This may include:

- Informal resolution

- Internal review
- Formal investigation
- Managed under another policy or referred to an external agency

All relevant information will be considered and individuals will be given the opportunity to respond. Where appropriate, an independent or impartial person may be involved in the process.

Complaints Register

All complaints, including informal resolutions, will be recorded in a confidential Complaints Register for monitoring, review, and auditing purposes. This register will include:

- Date of complaint.
- Nature of the concern.
- Parties involved.
- Actions taken and outcomes.
- Follow-up required (if any).

7. Decision Making and Outcomes

ADCT will respond to complaints in a manner that is:

- Fair and proportionate
- Consistent with the ADCT Code of Conduct
- Aligned with the principles of natural justice

Transparency of Outcomes

Written decisions will include:

- A clear statement of the issue and applicable policies/rules.
- The process followed (e.g., meetings, evidence considered).
- The decision (whether the complaint was upheld or not).
- The facts and evidence relied upon.
- The reasons for the decision.
- Any penalties or outcomes (e.g., warnings, suspensions, referrals).
- Decisions will be communicated to the complainant and the person/organisation complained about in plain language.

Outcomes may include:

- Clarification or explanation
- Facilitated discussion or mediation
- Guidance or education
- Formal warning
- Conditions or restrictions on participation
- Temporary suspension
- Removal from ADCT activities
- Referral to external organisations or authorities

Restorative Outcomes

Where appropriate, ADCT will facilitate restorative processes to repair harm, restore relationships, and maintain the mana of all parties. This may include:

- Acknowledgement of fault and apologies.
- Mediation or facilitated discussions (e.g., via The Commission).
- Support plans for affected individuals (e.g., counselling, training).

Where a complaint involves a potential breach of the ADCT Code of Conduct, the matter may be managed in accordance with ADCT's Disciplinary Procedure.

Outcomes will be communicated to the person making the complaint and any other affected persons.

8. Natural Justice

All individuals involved in a complaint can expect:

- To be informed of the concern
- To have an opportunity to respond
- Decisions made without bias or conflict of interest
- A fair and transparent process

Conflicts of Interest Management

All individuals involved in a complaint process must disclose any conflicts of interest. Board members, staff, or volunteers with a conflict of interest must recuse themselves from the process to ensure impartiality

9. Confidentiality and Record Keeping

ADCT will:

- Manage complaints confidentially where possible
- ADCT will share complaint details with external parties (e.g., NZ Police, Oranga Tamariki, other sporting bodies) only in accordance with its Information Sharing and Confidentiality Policy and after discussion with the complainant. This policy ensures compliance with privacy laws and the principles of natural justice
- Keep records of complaints and outcomes
- Store information securely in line with privacy requirements

10. Role of the Board

The ADCT Board may be involved where:

- The complaint involves senior staff
- The matter relates to governance
- The issue is serious or cannot be resolved operationally

Board members with a conflict of interest (e.g., personal or professional connections to the parties involved) must not participate in the complaints process. This ensures impartiality and fairness.

11. Relationship to Other Policies

This policy operates alongside:

- ADCT Disciplinary Procedure
- ADCT Code of Conduct
- ADCT Child Protection Policy
- ADCT Health and Safety Policy

Some matters may be managed under those policies depending on their nature.

12. Review

This policy will be reviewed annually to ensure it remains aligned with

- ADCT's structure and responsibilities.
- Sport Integrity Commission Complaints Policy and Integrity Code.
- Diving NZ's policies (once published).
- Feedback from participants, whānau, staff, and volunteers.
- ADCT will also monitor updates from the Sport Integrity Commission to incorporate best practices.

DOCUMENT MANAGEMENT AND CONTROL

Approved by the Board of Auckland Diving Community Trust

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