

Complaints policy

Part 1 - Background

Abbreviations and terminology

Abbreviation	Meaning
SW	Squash Wellington Districts Incorporated. Note, where this policy describes a power or activity of SW, it should be read as applicable to either the Board or the DM but will usually be carried out by the DM. Any correspondence for SW should be addressed to the DM.
DM	District Manager of SW, whose activities are carried out for on behalf of SW.
Club	A club affiliated to SW
Complainant	The person making a complaint
Complaine	The person about whom a complaint is made
Disciplinary Committee	A panel to determine alleged code of conduct breaches initially assessed as level 3 or level 4 in severity comprising at least 2 but no more than 3 people of whom at least one must be a SW Board member.

Purpose

The purpose of the complaints policy is to give clarity as to how alleged breaches of SW's Code of Conduct will be dealt with.

Application

The complaints policy relates only to allegations that the Code of Conduct of SW has been breached and not any other complaint relating to squash in the Wellington districts.

This policy does not apply to the management of representative squads while on tour: tour managers have special rights to determine complaints of misconduct. This policy does not restrict the rights of Tournament Controllers or Club officials to take immediate action in respect of misconduct during squash-related activities.

As this document is a policy of the Board, SW will endeavour to follow it where reasonable and practicable, but reserves the right to depart from it in exceptional circumstances.

Principles

Decisions are made in accordance with the following Principles:

- **Equity** (fairness), meaning taking all relevant matters into consideration, ignoring all irrelevant matters and treating similar cases consistently;
- **Transparency**, meaning disclosing relevant actions and outcomes to persons with a legitimate interest in knowing of them;
- **Timeliness**; and
- **Proportionality** in the deployment of resources with respect to the alleged harm.

Fit with informal procedures

SW will encourage informal resolution of complaints at first instance, where appropriate. If they do not work or inappropriate, the formal stages of complaint resolution will be followed.

Time limits

Unless specified elsewhere in this policy, there are no time limits to any stage of the complaints process. SW may impose time limits on relevant parties or relevant stages of the process at its discretion.

Complaint resolution steps - outline

1. Require complaint to be in suitable form
2. Determine *justiciability*
3. Determine *jurisdiction*
4. Notification
5. Determine interim sanctions
6. Investigation
7. Determine decision-maker
8. Determine breach
9. Determine sanction
10. Disclosure of outcome
11. Determine appeal (if any)
12. Final disclosure of outcomes

Part 2 - Description of each step

STEP 1 – EXPRESSION OF COMPLAINT

A complaint to SW must be expressed in writing by email to the DM and include full circumstances of the matter complained of and identify at least one element of the Code of Conduct. The DM will advise the Board of SW of all new complaints arising since the last Board meeting. Pending that Board meeting, the DM may proceed with the following steps.

STEP 2 – JUSTICIABILITY

SW may investigate or decline to investigate a complaint at its discretion. To warrant investigation, the complaint has to relate to an alleged breach of the Code of Conduct.

Complaints relating to matchplay

SW will not consider complaints relating to matchplay unless the complaint alleges-

- a) unsportsmanlike-
 - treatment of the referee by a player or spectator (even if the referee did take action);
 - behaviour of a spectator, even if the referee did take action; or
 - conduct of the referee (not simply incompetence, however gross); or
- b) abuse that was discriminatory on the ground of race, gender, sexual orientation, age, disability or religion.



Timeframes

Complaints will only be considered if they are raised within 20 working days after the activity complained of or the date that the activity complained of became known to the complainant, whichever is the latter. However, the Board may set aside this time limit in exceptional circumstances.

STEP 3 – JURISDICTION

SW will determine whether it is the appropriate adjudicator of the complaint. Most complaints fall for affiliated Clubs to determine, not SW. It is only if a complaint-

- a) relates to a SW-convened event;
- b) does not relate to any particular Club;
- c) relates to more than one Club; or
- d) would, if proven be a Level 4 breach,

that SW will investigate the matter, unless exceptional circumstances exist.

Each Club should advise SW of all complaints it determines and the outcome.

If a complaint is made to a Club that falls within SW's jurisdiction, the Club may refer the complaint to SW for resolution.

Without prejudice to its own powers of investigation and sanction, SW will inform the police or other regulatory agency where it receives credible information that unlawful activity or breaches of regulations, respectively, has occurred. In such cases, SW may proceed with an investigation at its discretion.

STEP 4 – NOTIFICATION

If a complaint to SW meets the tests for determination by SW, SW will inform the complainee about the details of the alleged complaint. Whether the identity of the complainant, if it is not obvious, is revealed is at the DM's discretion. SW will ask the complainee to provide a response including the identities of any person the complainee believes has relevant evidence. SW will specify a deadline for provision of a response. The deadline is at the District Manager's ("DM's") discretion taking into account the urgency of the matter with respect to other SW activities.

STEP 5 – INTERIM SANCTIONS

If there is a risk of ongoing serious harm pending a formal decision, SW may impose an interim sanction prior to any further steps.

STEP 6 – INVESTIGATION

In addition to the original complaint, SW will gather other relevant evidence including the response of complainee.

Form of evidence

Evidence should be in writing. It is acceptable for evidence to be in the form of an email confirmation of matters discussed with SW orally.

The complainee should be informed of the identities of the complainant and any other material witness unless such persons have good reason to remain anonymous. The complainee should be informed of the gist of any material evidence disclosed by any witness.

After all material evidence has been gathered and summarised to the complainee, SW will invite the complainee to state his or her case (and any mitigating factors) in writing.

The person(s) complained of has no right to be heard orally. SW may allow otherwise if there is reason to believe the complainee has limited written ability.

STEP 7 - DETERMINE DECISION-MAKER

SW will determine the appropriate decision maker on whether a breach has occurred and if so, what the sanction is by assessing the level of the Code of Conduct breach, on the assumption that what is alleged is true.

The DM will make an initial determination on the level of the alleged breach by application of the Principles underlying this policy, judgement and Table 1. SW acknowledges that many breaches will not fit neatly under the same level of duration, impact and sphere. The DM and other decision-makers will use their judgment on what the best match is.

The DM will be the decision-maker on breach and sanction for alleged Level 1 and Level 2 breaches. The Disciplinary Committee will be the decision-maker for breach and sanction for alleged Level 3 and Level 4 breaches.

Table 1

	Breach category			
	Level 1	Level 2	Level 3	Level 4
Duration <i>How long the harm was manifested for</i>	As long as incident lasted	Beyond incident but within the playing season	Up to 3 playing seasons	3 years +
Impact <i>How deeply the harm was felt</i>	Slight	Medium	Significant	Severe
Sphere <i>How widely the harm was felt (how many people were affected)</i>	1 person	Several people	Significant proportion of Wellington squash community	Wider public

STEP 8 - DETERMINE BREACH

The decision maker (whether DM or Disciplinary Committee) will consider all the evidence and determine, in accordance with the Principles, whether a breach of the Code of Conduct has occurred and shall identify each part of the Code of Conduct breached. If a breach is found, the decision-maker will determine what level of breach it was by reference to Table 1.

Where the decision-maker is the Disciplinary Panel, it is not bound by the DM's preliminary assessment of the level.

In determining the severity of the impact under that table, the decision-maker will assume the person affected is a reasonable person, but in doing so will take into account his or her significant features e.g. age, gender, experience.

STEP 9 - DETERMINE SANCTION

If a breach is found, the decision-maker will determine an appropriate sanction, guided by-

- the Principles;
- Table 2;
- sanctions applied in any similar cases, with a view to achieving consistency of starting point;
- previous conduct breaches found against the complainee by any other entity; and
- case-specific mitigating and aggravating factors.

Table 2

Breach level	Available sanction
1	Verbal or written warnings against further conduct breaches
2	As per 1 but add penalties in respect of the incident in question such as (but not limited to) reversal of single match result, additional loss of grading points, reduction of team's interclub or superchamps points, requirement to pass refereeing training
3	As per 1 and 2 but add temporary (up to 1 year) suspensions from relevant activity (playing, officiating, coaching, selection/management role)
4	As per 1-3 but add >1 year suspensions from relevant activity

SW reserves the right to select any sanction suited to the breach in question irrespective of the examples in Table 2.

STEP 10 – DISCLOSURE OF OUTCOMES

SW will notify the outcome of an investigation to the complainee in writing. Where a breach is found, the notification must setting out the finding by reference to the Code of Conduct and the sanction. SW will inform the complainee of any right of appeal (see step 11) and the time limit for appealing.

STEP 11 – APPEALS

Only complainees have a right to appeal.

Appeals may be made only where a finding of a level 3 or level 4 breach has been made. Appeals must be made no more than 10 working days after the decision was notified.

The appeal may be against finding and sanction or sanction alone. Appeals must state the reason for the appeal (why the decision-maker got it wrong). The appeal will take the form of a review of the original evidence by the Board of SW.

Where the Board of SW upholds a finding of breach, it may nevertheless change the level of infringement (up or down) and may change the severity of the sanction (more severe or less severe).



STEP 12 – FINAL DISCLOSURE

SW will disclose the final outcome (after any appeal) of the complaint to the complainant specifying no more than whether or not a breach was found, if so what part of the Code of Conduct was breached and the sanction.

SW may disclose the details of any proven breach (including the sanction) to other audiences (e.g. one or more Clubs, schools, other districts, Squash New Zealand) as it sees fit.

SW will report anonymised statistics relating to Code of Conduct complaints made and determined in its annual report.

SW will retain on file details of any proven breach and the sanction.

-ENDS-