

## Complaints Policy

### Purpose

Y-Nelson values open communication and a supportive environment where everyone can raise complaints and concerns freely. This policy outlines how Y-Nelson will respond to complaints, ensuring transparency, fairness, and compliance with legal and regulatory standards.

### Scope

This policy applies to complaints from staff, parents/whānau, students, volunteers, and other members of the Y-Nelson community. It covers YKids, OSCAR, Nelson Training Centre (NTC) and the Board of Y-Nelson.

### Definition of a Complaint

A complaint is a serious concern raised when something has gone wrong or has not been handled properly. Complaints should ideally be made in writing. If writing is difficult, the complaint can be shared verbally first and then documented.

### Who to Contact

- **General Complaints:** Address in writing to the Executive Director.
- **Complaints about the Executive Director:** Direct these to the Chairperson of the Board.
- **Complaints about Board Members, Board Policies, or Board Actions:** Directed to the Chairperson of the Board these will be reviewed by a Board subcommittee of members not involved within the complaint. If necessary external members may be appointed.

### Procedures

#### 1. Raising a Complaint

- **Initial Steps:** Concerns should be raised promptly. Attempt to address minor issues with the person involved first or through a senior manager if needed.
- **Formal Complaints:** Submit in writing, including details of the issue, efforts made to resolve it, and contact information.
- **Advising Parties:** For a complaint to proceed the complainant must agree for the person being complained about to be notified of the complaint details and who has made the complaint.

#### 2. Acknowledging Complaints

- Y-Nelson will acknowledge written complaints within seven days and outline the steps to follow.
- Complaints about the Executive Director will be managed by a Board subcommittee, and the complainant will be informed of any decisions made.

#### 3. Investigating Complaints

- Y-Nelson investigates complaints fairly and gives all involved the chance to share their side of the story.
- The investigation process may include talking to relevant people, gathering evidence, and ensuring that both the complainant and the subject of the complaint can have support persons present if needed.

- All serious complaints are reported to the Chair of the Board.

#### 4. Decision and Follow-Up

- Findings and recommendations will be shared with the complainant and, where necessary, the person involved.
- If the complaint concerns a regulatory issue, it may need to be reported to an external agency:
  - **Ministry of Education:** For issues about YKids.
  - **Ministry of Social Development:** For OSCAR compliance, child safety or welfare concerns.
  - **Tertiary Education Commission or NZQA:** For complaints about NTC. The Education (Domestic Tertiary Student Contract Dispute Resolution Scheme) Rules 2021 are to be followed where required.

#### Rights of the Respondent

Y-Nelson is committed to ensuring the rights of all parties involved in a complaint are upheld. Respondents (the individuals being complained about) have the following rights:

- a. **Notification:** The respondent will be notified of the complaint, including details of the allegations and the identity of the complainant (unless exceptional circumstances require otherwise).
- b. **Fair Treatment:** The respondent is presumed innocent unless proven otherwise through the complaint investigation process.
- c. **Opportunity to Respond:** The respondent will have a chance to present their version of events and respond to the evidence before any findings or decisions are made.
- d. **Support:** Respondents may have a support person, such as a colleague, union representative, or legal adviser, present during discussions related to the complaint.
- e. **Confidentiality:** Information related to the complaint will be handled confidentially, and details will only be shared with those directly involved in the resolution process.
- f. **Natural Justice:** The investigation process will be impartial, and decisions will be based on factual findings.
- g. **Appeal Rights:** Respondents have the right to appeal decisions or actions resulting from the complaint process if they believe they have been treated unfairly.

#### Additional Procedural Steps

Y-Nelson recognises that certain issues may require specific procedural steps, such as reporting to external agencies or adhering to specialized guidelines. The following outlines these approaches:

- a. **Serious Misconduct Involving Children or Vulnerable Individuals:** If the complaint raises concerns about child safety or welfare, Y-Nelson will immediately report the issue to the Ministry of Education or Ministry of Social Development, as required.
- b. **Tertiary Student Complaints (NTC):** Complaints about NTC must follow the Education (Domestic Tertiary Student Contract Dispute Resolution Scheme) Rules 2021. Complaints involving breaches of the Code of Practice will be referred to NZQA or the Tertiary Education Commission as appropriate.
- c. **External Escalation:** When a complaint involves regulatory compliance or suspected legal breaches, it will be escalated to relevant agencies (e.g., WorkSafe NZ, Privacy Commissioner) to ensure obligations are met.

- d. Workplace Complaints: Complaints involving staff misconduct or breaches of workplace policies will adhere to Y-Nelson's Disciplinary and Protected Disclosure Procedures.
- e. Protected Disclosures: Complainants raising concerns about serious wrongdoing under the Protected Disclosures Act will be directed to Y-Nelson's Protected Disclosure Policy and given appropriate support to report their concerns safely.
- f. Board-Level Complaints: Complaints about the Board or its members will be reviewed by an independent subcommittee or external investigator if necessary to ensure impartiality.
- g. Cultural Considerations: Complaints involving Māori or other cultural considerations will be addressed with appropriate cultural competency, engaging advisors if required to ensure culturally appropriate resolutions.

### **Escalation and Appeal**

If a complainant is dissatisfied with the outcome, they may appeal to the Board of Trustees with the final level of appeal being the YMCA New Zealand National President. Complaints about the Board will be managed as per governance protocols.

### **External Reporting**

Y-Nelson must report issues to relevant authorities when required by law or regulations. This ensures compliance with all governing bodies involved.

### **Confidentiality and Natural Justice**

Complaints are treated with confidentiality, but those involved have the right to know the details and respond where appropriate. The investigation follows principles of natural justice and upholds legal and contractual obligations.

### **Documentation**

Serious complaints will be documented and securely stored following guidance in the Privacy Act 2020.

### **Support and Accessibility**

Y-Nelson provides support, including facilitating meetings and ensuring complainants can have support people present.

A copy of the Complaints Policy and procedures will be available on the Y-Nelson website, at the office and will be published in the Y-Nelson Annual Report, along with complaint statistics.

Approved at Board Meeting on:	28 Nov 24
To be reviewed:	Triennially
Next review:	Nov 27

### **Appendix:**

1. Process Map of the Y-Nelson Complaints Process

## Y-Nelson Complaints Procedure

