

NZCF Disputes and Complaints Policy

The New Zealand Choral Federation (NZCF) recognises the importance of having a policy and set of procedures relating to any complaints made against the organisation or its employees or volunteers. A robust set of procedures relating to disputes is a requirement of the [Incorporated Societies Act 2022](#).

NZCF aims to provide a fair policy and set of procedures for situations where complaints cannot be resolved between the parties. NZCF's procedures relating to disputes shall be consistent with the rules of natural justice and are aligned with the procedures set out in Schedule 2 of the [Incorporated Societies Act 2022](#).

Disputes and Complaints Resolution Procedures

Informal complaints

Anyone wishing to make a complaint to NZCF is asked first to directly contact the person or region that provided the service in order to discuss the matter and hopefully come to a quick resolution.

However, if this is not possible or desirable, or a direct approach has not achieved the desired outcome, the complainant should contact one of the following people:

- NZCF Chief Executive Christine Argyle
tel. 04 213 8883 or 027 499 8883; email christine.argyle@nzcf.org.nz
- NZCF Chair Pete Rainey
tel. 021 747 383; email pete.rainey@nzcf.org.nz

Complaints will be acknowledged within two working days of receipt.

A written answer will be provided to the person making the complaint by the person contacted or they will be advised how much time is anticipated to investigate and provide a response to the complaint.

If the complaint cannot be resolved to the satisfaction of both parties, the complaint will be referred to the full NZCF Governance Board for consideration.

Formal complaints

1. How a formal complaint is made

- (1) A member, employee or volunteer may make a complaint by giving to the Board a notice in writing that—
 - (a) states that the member, employee or volunteer is starting a procedure for resolving a dispute in accordance with NZCF's constitution; and
 - (b) sets out the allegation to which the dispute relates and whom the allegation is against; and
 - (c) sets out any other information reasonably required by NZCF.
- (2) NZCF may make a complaint involving an allegation against a member, employee or volunteer by giving to the member, employee or volunteer a notice in writing that—
 - (a) states that NZCF is starting a procedure for resolving a dispute in accordance with NZCF's constitution; and
 - (b) sets out the allegation to which the dispute relates.
- (3) The information given under (1)(b) or (2)(b) must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
- (1) A complaint may be made in any other reasonable manner permitted by the NZCF's constitution.

2. A person who makes a complaint has the right to be heard

- (1) A member, employee or volunteer who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined.
- (2) If NZCF makes a complaint,—
 - (a) NZCF has a right to be heard before the complaint is resolved or any outcome is determined; and
 - (b) an employee may exercise that right on behalf of NZCF.
- (3) Without limiting the manner in which the member, employee, volunteer or NZCF may be given the right to be heard, they must be taken to have been given the right if—
 - (a) they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - (b) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - (c) an oral hearing (if any) is held before the decision maker; and
 - (d) the member's, employee's, volunteer's or NZCF's written statement or submissions (if any) are considered by the decision maker.

3. A person who is the subject of a complaint has the right to be heard

- (1) This clause applies if a complaint involves an allegation that a member, an employee, a volunteer or NZCF (the respondent)—
 - (a) has engaged in misconduct; or
 - (b) has breached, or is likely to breach, a duty under NZCF's constitution or bylaws or the Incorporated Societies Act; or
 - (c) has damaged the rights or interests of a member or the rights or interests of members generally.

- (2) The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
- (3) If the respondent is NZCF, an employee may exercise the right on behalf of NZCF.
- (4) Without limiting the manner in which a respondent may be given a right to be heard, a respondent must be taken to have been given the right 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; and
 - (b) the respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - (c) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - (d) an oral hearing (if any) is held before the decision maker; and
 - (e) the respondent's written statement or submissions (if any) are considered by the decision maker.

5. Keeping people safe

NZCF will ensure that people are kept safe through the complaints process, including people with specific needs. People making a complaint have the right to:

- (a) be treated with dignity and respect
- (b) be treated fairly and have their rights considered
- (c) have their culture, values and beliefs respected
- (d) have a support person(s) present
- (e) be fully informed
- (f) have their privacy respected

6. Investigating and determining a dispute

- (1) NZCF must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its constitution, ensure that the dispute is investigated and determined.
- (2) Disputes must be dealt with under the constitution in a fair, efficient, and effective manner.

7. NZCF may decide not to proceed further with a complaint

Despite clause 5, NZCF may decide not to proceed further with a complaint if—

- (a) the complaint is trivial; or
- (b) the complaint does not appear to disclose or involve any allegation of the following kind:
 - (i) that a member, employee or volunteer has engaged in material misconduct:
 - (ii) that a member, an employee, a volunteer, or NZCF has materially breached, or is likely to materially breach, a duty under NZCF's constitution or bylaws or the Incorporated Societies Act:
 - (iii) that a member's rights or interests or members' rights or interests generally have been materially damaged:

- (c) the complaint appears to be without foundation or there is no apparent evidence to support it; or
- (d) the person who makes the complaint has an insignificant interest in the matter; or
- (e) the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
- (f) there has been an undue delay in making the complaint.

8. NZCF may refer a complaint

- (1) NZCF may refer a complaint to—
 - (a) a subcommittee or an external person to investigate and report; or
 - (b) a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.
- (2) NZCF may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

9. Decision makers

A person may not act as a decision maker in relation to a complaint if 2 or more members of the Board or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be—

- (a) impartial; or
- (b) able to consider the matter without a predetermined view.