

2 August 2023

Eve Hyslop

By email: fyi-request-23410-53cda8cc@requests.fyi.org.nz

Official Information Act 1982 request – Complaints made to the Sport and Recreation Complaint and Mediation Service

Dear Eve

This letter responds to your Official Information Act 1982 (OIA) request received by Sport New Zealand (Sport NZ) on 6 July 2023 requesting the below information:

I have noticed in Sport New Zealand’s most recent Annual Report, it was mentioned that: “In the first year of the service (February 2021 – February 2022), the SRCMS received 131 enquiries, complaints and disputes, of which 89 had been closed and the remaining 42 were at various stages of Immediation’s process”.

Of these complaints, inquiries and disputes, I wish to know how many have been made in each NZ region this year, last year and in 2021. I also wish that these numbers be split into complaints, inquiries and disputes. I also wish that these numbers are also split into what kind of complaints are made, as described on your website:

- a complaint about on or off-field behaviour of a coach, volunteer, parent or sportsperson;*
- a dispute about selection for a particular team or event;*
- a complaint about club management, culture, or a policy;*
- a complaint of wrongdoing by a volunteer, coach, individual team member or their parent;*
- complaints of bullying, harassment, or discrimination;*
- a dispute about inappropriate use of social media in a sporting setting.*

I also request to know how many of these complaints have been upheld or not. For clarification, I request numbers from this year so far, all of 2022 and all of 2021 from February beginning SRCMS’s service.

The Sport and Recreation Complaint and Mediation Services (SRCMS) is operated by online dispute resolution company, Immediation New Zealand and was launched in February 2021. SRCMS allows anyone engaged in sport and active recreation to lodge a complaint, issue or

dispute and have it resolved in a timely manner. The service provides triage, early facilitation, and independent investigations.

Since SCRMS launch in February 2021 until 30 June 2023, SRCMS has received a total of 428 enquiries, of which 391 of those matters are now closed.

The SRCMS does not categorise matters per region as not all the disputes are regionalised, i.e. it is common for a matter to be a national sporting organisation issue.

You have also requested to know how many of these complaints have been upheld or not. It is not the role of the SCRMS to 'uphold' complaints. If through the triage process it is ascertained that there is a complaint to be heard, it will either:

- be referred to the relevant sporting body to go through their own complaints and disciplinary procedures; or
- be resolved through facilitation; or
- be dealt with through a formal mediation process; or
- under certain criteria, the relevant parties to a complaint will agree to initiate an investigation. At the conclusion of an investigation, the investigation report is referred to the relevant sporting body who manages the complaint through their disciplinary process that is relevant.

Therefore, the parts of your request for a regional breakdown and whether the complaint was upheld are refused under section 18(g) of the OIA as the information requested is not held by Sport NZ, and we have no grounds for believing that it is held by another agency or more closely related to the functions of another agency.

Please refer to the below table for a breakdown of the overall themes since SRCMS was established. Please note that each matter can contain several themes. Note that all information in this response are as of 30 June 2023.

Category	Percentage of total complaints
Health and safety	16%
Athlete wellbeing	27%
Behaviour/culture within a sporting organisation or sport	34%
Complaint about behaviour of a coach	21%
Complaint about behaviour of another individual	12%
Conflict of interest	10%
Discrimination - Disability	3%
Discrimination - Sexual harassment	2%
Discrimination - Human rights	6%
Fairness of or application of organisational rules or policy	26%

Inadequate committee/board management	10%
Inadequate complaints handling	32%
Governance	10%
Selection	10%

Please refer to the below table for a summary of the status of enquiries.

Summary	Total
Number of enquiries/complaints	428
Number of notifications and/or referrals to other agencies (E.g., Police)	11
Disputes/complaints related to disability	13

	Description	Total
Initial enquiry		
1(a)	Enquiry: triage not required	41
1(b)	Enquiry and complainant has not to date pursued through SRCMS OR complaint has confirmed won't be proceeding	34
1(c)	Triaged and determined enquiry out of scope	9
1(d)	Made enquiry and then resolved against backdrop of the Service	37
Triage		
2(a)	Complex triage in progress	5
2(b)	Complex triage completed and with complainant to action	38
2(c)	Complex triage completed and complainant is taking other steps outside the service or has been referred to other avenue	46
Early facilitation		
3(a)	Early facilitation in progress	14
3(b)	Early facilitation undertaken; however, Party B would not agree to a facilitated dialogue	25
3(c)	Early facilitation undertaken but matter not resolved	7
3(d)	Early facilitation - notwithstanding did not fully resolve, issue's part resolved or other positive outcome(s) from the process	28
3(e)	Matter resolved through early resolution	32
3(f)	Early facilitation undertaken, referred back to sport, and parties progressing through organisation's procedures	34
Mediation		
4(a)	Going to mediation shortly	6
4(b)	Mediation took place - didn't resolve	1
4(c)	Mediation took place - notwithstanding did not fully resolve, issue's part resolved or other positive outcome(s) from the process	12
4(d)	Matter resolved by mediation	42
Investigation		

		Number - community/complex	Number - High Performance / Elite	Total
5(a)	Low risk/impact investigations <i>pending</i>	0	0	0
	Medium risk/impact investigations <i>pending</i>	0	0	0
	High risk/impact investigations <i>pending</i>	0	0	0
5(b)	Low risk/impact investigations <i>ongoing</i>	0	0	0
	Medium risk/impact investigations <i>ongoing</i>	2	0	2
	High risk/impact investigations <i>ongoing</i>	2	1	3
5(c)	Low risk/impact investigations <i>completed</i>	0	0	0
	Medium risk/impact investigations <i>completed</i>	1	1	2
	High risk/impact investigations <i>completed</i>	7	3	10

Please note that if you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the OIA. Information about how to contact the Ombudsman is available at www.ombudsman.parliament.nz or you can phone 0800 802 602.

Kind regards,



Nicki Ablitt
Group Policy Manager
Sport NZ Ihi Aotearoa