



**NEW ZEALAND PONY CLUBS ASSOCIATION**

**Code of Conduct**

(Updated October 2017)

**Organised by the  
New Zealand Pony Clubs Association Inc.**

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# NEW ZEALAND PONY CLUBS ASSOCIATION INC.

## Code of Conduct

The New Zealand Pony Clubs Association Code of Conduct outlines behaviours that are expected of every person

involved in our organisation, as well as identifying the types of behaviours that will not be tolerated.

It applies to members, officials, adult supporters, coaches, instructors, spectators, family, friends, administrators

and other members of our diverse pony club community.

It applies to all NZPCA, National, Area, Club and Branch events and activities.

The New Zealand Pony Clubs Association Code of Conduct supports everyone to have fun in a friendly and inclusive environment.

### **Our Values and Behaviours**

#### ***Respect and recognition***

- I treat others as I would like to be treated
- I treat everyone with dignity, courtesy and respect
- I appreciate performances by all participants
- I value and recognise good behaviours and the contribution of all
- I communicate openly and provide constructive supportive feedback.

#### ***Caring***

- I believe welfare of the horse is paramount
- I am considerate of others
- I encourage others to participate but I don't force the issue
- I never resort to verbal abuse, harassing behaviour, hostility or aggression.

#### ***Integrity***

- I am open, honest and trustworthy
- I do what I say
- I am a Good Sport and encourage others to be the same
- I do not make any disparaging or belittling remarks about others
- I abide by the Code of Conduct.

#### ***Inclusion***

- I support and help others
- I am flexible and responsive to people's needs
- I work collaboratively to achieve the best outcomes
- I encourage the participation of all regardless of ability, age, gender, sexual orientation, race, culture or religion
- I contribute towards an enjoyable and safe environment for all.

### **Our Responsibilities**

#### ***Club Members***

- Embrace and act in accordance with the Code of Conduct
- Role model and share your knowledge of this Code
- Consider and uphold the welfare of the horse in any activity in which you participate
- Raise situations that you think might be a breach of this Code with your Branch, Club or Area's officials
- Encourage others to raise their concerns.

#### ***Officials, Parents, Guardians, Coaches, Instructors, Administrators, Observers and Supporters***

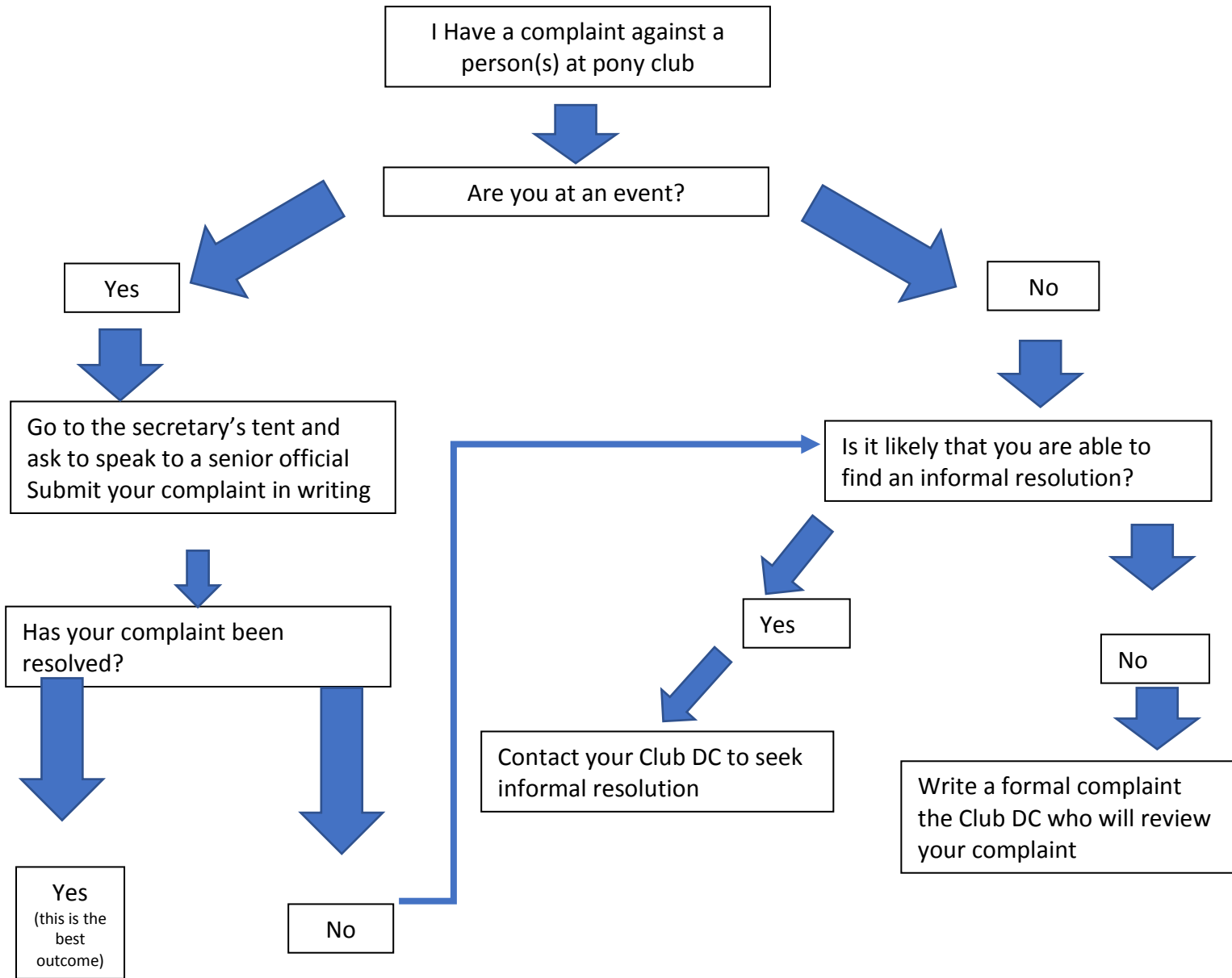
- Keep the Code of Conduct accessible for future reference
- Embrace and act in accordance with the Code of Conduct
- Role model and share your knowledge of the Code
- Lead by Example
- Raise situations that you think might be a breach of this Code with your Branch and / or Club or Area's officials
- Encourage others to raise their concerns
- Encourage an environment where others can raise their concerns

☑ Manage behaviour that is inconsistent with this Code.

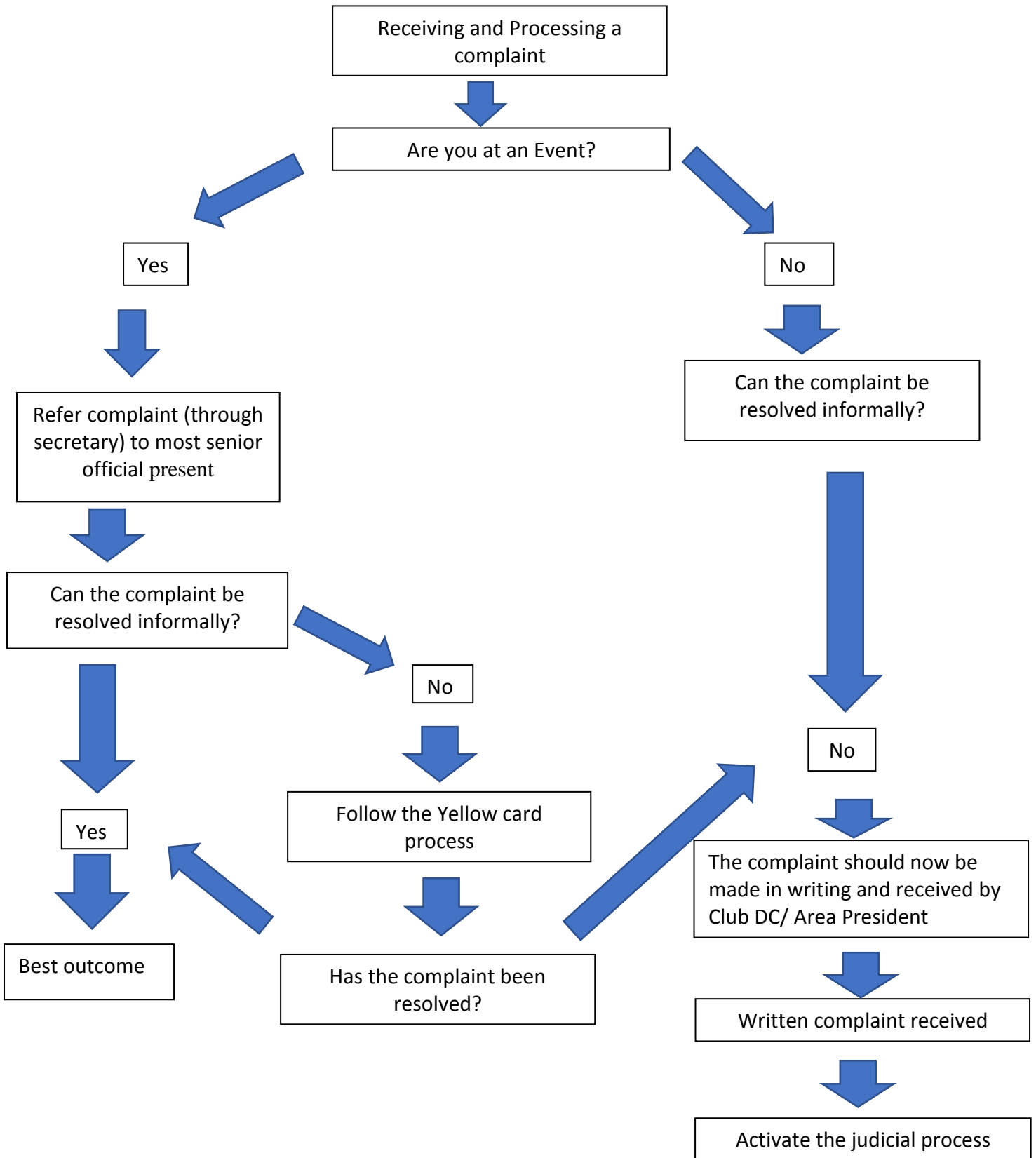
#### ***Getting Advice***

Your Club's officials are your most direct source of information and action.

## MAKING A COMPLAINT AGAINST THE CODE OF CONDUCT



# PROCESS FOR RECEIVING A COMPLAINT AGAINST THE CODE OF CONDUCT



## Guide to Managing Breaches of the Code of Conduct and Misconduct

This document is designed to guide Areas, Clubs and Branches with the requirements for resolving suspected/ alleged breaches of the NZPCA Code of Conduct.

### Introduction

First and foremost, when dealing with a complaint verbal or written remember you are not alone. Dependent on the level, you have your Club/ Area and NZPCA to go to for advice.

Branch  $\rightleftarrows$  Club  
Club  $\rightleftarrows$  Area  
Area  $\rightleftarrows$  NZPCA

The General Manager NZPCA or others on the Resolutions Committee can also advise.

Any formal complaint should be in writing stating date, time and a brief description of the incident. The complainant should be advised to list those present.

Wherever possible the complainant should relate it to the Code of Conduct as this is our guiding document re acceptable behaviour at any NZPCA Activity. If the complainant has not done this the complaint should be reviewed against the Code of Conduct to identify which if any areas have been breached.

Always remember the person or persons the complaint has been made against is "Alleged" to have committed a breach until it has been investigated and a conclusion made.

The lowest level at which a matter can be dealt with shall always be preferred, Therefore if a complaint occurs at Branch / Club level or involves persons operating at this level then the complaint should be reported to and dealt with by the Club DC .

AT NO POINT SHOULD ANY COMPLAINT BE DISCUSSED IN AN OPEN COMMITTEE MEETING.

### Best Outcome

Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Only matters which occur or arise from events held at a national level or those referred from an Area Judicial Committee should be sent to the Head Office. Any referral must be in writing

### Minors

When dealing with a complaint involving a person under the age of 18, no correspondence should be entered into directly with the minor. All correspondence should be sent to their Parent/Guardian and any face to face meetings or discussions must take place with their Parent/Guardian present.

## **Vexatious Complaints**

Our complaints procedure must have integrity and be free of unfair repercussions or victimisation. If at any point in the complaints process the President/Dc or Judicial Committee considers that a complainant has made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the Complaint Handler/ Manager for appropriate action which may include disciplinary action. Pony Club will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimizes another person for making a complaint.

## **Conflict of Interest**

Does anyone involved in the Judicial Process have a **conflict of interest** related to this complaint? For example, owns the horse related to the accused or the complainant, or was involved in the incident that resulted in the complaint. **If so its imperative you stand aside immediately and approach another person to take over.**

**Privacy** - The privacy of the complainant and the accused must be protected at all times.

## **Procedural Fairness**

The decision making process should be governed by the principles of procedural fairness and natural justice.

The principles of procedural fairness require people whose interests will be adversely affected by a decision to be given an opportunity to be heard, and requires decision makers to act without bias or self-interest, and to base their decisions on compelling, factually based, reliable, evidence. Until a determination has been made that a breach has occurred, the breach remains a 'suspected breach' or 'suspected misconduct.'

The principles underlying procedures for managing breaches of the Code of Conduct are: Everyone associated with NZPCA - members, officials, supporters, and observers alike - must comply with the Code of Conduct and uphold and promote Our Values and Behaviours.

Taking action in cases of suspected misconduct is primarily aimed at protecting the integrity of NZPCA as an organisation and thereby maintaining confidence in the pony club movement. NZPCA procedures should be fair and reasonable, striking an appropriate balance between the needs of members, officials and supporters, the needs of the NZPCA as an organisation and the wider public interest.

The determination may, of course, be that the person did not breach the Code and no further action is taken. It is also important to note that a sanction cannot be imposed on any person until there is a determination that the Code has been breached.

## What is a breach of the Code of Conduct?

In broad terms, a member, supporter, official or other member of the NZPCA community whose conduct does not comply with an element of the Code of Conduct can be found to have breached the Code.

The following behaviours are considered examples of breaches

### **Criminal**

- Sexual harassment or intimidation of another person
- Theft
- Embezzlement
- Violent or abusive behaviour toward another person

Criminal offences must be reported to the police immediately and the General Manager notified. A decision on suspending the accused person or persons' membership for the period of the investigation will be made by the General Manager in consultation with the Police.

### **Serious**

- Failure to maintain a safe environment
- Slandorous behaviour of any kind towards another person
- Discrimination against another person based on their age, gender, sexual orientation, race, culture or religion
- Discrimination against another person based on their physical or mental ability
- Victimisation of another person for exercising their rights through the Code of Conduct
- Breaches Related to Welfare of the Horse

### **Minor (these can escalate be serious depending on the particular incident)**

- Inappropriate behaviour towards another person
- Failure to comply to Rules and Regulations

## **Process for dealing with Minor Breaches or Misconduct**

To be dealt with at the time by the appropriate Branch personnel, Organising Committee, or Officials of the Event/Activity.

Having spoken to the complainant and the accused and concluding a breach has occurred you have two options to consider when dealing with minor breaches or misconduct. Firstly, you must decide if it would be best to deal with this in an informal manner or formal manner.

The **informal process** would require holding a discussion with all those involved and giving them clear guidelines on what is appropriate and what is not. You may well provide them with copies of the Code of Conduct or direct them to appropriate material relating to rules and regulations. In some cases, an apology may be all that is required.

The **formal process** would be required when the findings of the allegations warrant a form of disciplinary action, or the attitude of the person or persons that you have tried dealing with under a less formal manner, is such that you feel the best option would be to issue a NZPCA Yellow Card.



Should a yellow card be issued a copy must be sent to NZPCA.

## **Process for dealing with Serious Breaches or Misconduct**

Branch level notifies the Club District Commissioner.

When a Branch finds they are in a situation that is of such a nature that they warrant help to resolve an issue they must contact the Club District Commissioner and together work to resolve the situation.

For Clubs without Branches you would need, in the same situation as above, to go directly to Area President.

Should any of the above methods still prove not to resolve the issue the situation must be reported to the Area Judicial Committee. Likewise, if the initial breach is of such a serious nature that the best option may well be that it goes directly to Area to deal with.

**ALL CLUBS AND AREAS SHOULD HAVE A READILY AVAILABLE JUDICIAL COMMITTEE TO MANAGE ANY COMPLAINTS IN A TIMELY MANNER.**

### **Sanctions**

Range of sanctions is determined by the level of the breach or misconduct and could include

- A reprimand
- Issuing of a Yellow Card
- Disqualification from the event/activity
- Exclusion from certain pony club events/activities for a specified duration
- Suspension of Membership
- Termination of Membership

Although the range of sanctions, including termination of membership form an integral part of any misconduct process, imposing sanctions is not primarily about 'punishing' someone who has failed to meet the required standards of conduct. Sanctions are intended to be proportionate to the nature of the breach and in some cases will identify that a Branch, Club, Area or NZPCA no longer has confidence that the person is able to demonstrate and uphold the appropriate values and behaviours on a reliable basis to participate in some, or all, pony club activities. Sanctions also operate as a deterrent to others and confirm that misconduct is not tolerated in Branches, Clubs, Areas or NZPCA.

### **Mediation**

Mediation may occur after the start of investigation of a complaint. Mediation allows those involved to be heard, and to come up with mutually agreed solutions. If a complainant wishes to resolve the complaint with the help of a mediator, the relevant person DC/ President will, in consultation with the complainant, arrange for a neutral person to mediate where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent.

## **Appealing a Decision**

Following notification of a decision of a Judicial Committee either party has the right to appeal within 14 days of notification of the decision . Appeals must be in writing, listing the grounds for the appeal.

### **Grounds:**

An appeal may only be made on one or more of the following grounds:

- a. that natural justice was denied;
- b. that the Judiciary Committee acted outside of its powers and/or jurisdiction (i.e. acted ultra vires);
- c. that substantial new evidence has become available after the decision, which is being appealed, was made; or
- d. in respect of a decision relating to misconduct involving the Appellant, that the penalty was either excessive or inappropriate.

The process for appeals is as follows;

Appeal against Club Judicial Committee decisions must be made to the Area President, to be heard by the Area Judicial Committee. A fee (as set by Area) must accompany the appeal and is refundable if the appeal is upheld.

Appeal against Area Judicial Committee decisions must be made to the NZPCA General Manager, to be heard by the National Judicial Committee. A fee (as set by the Board) must accompany the appeal.

Appeal against National Judicial Committee decisions must be made to the Sports tribunal.

The decision of the Judicial Committee that hears an appeal is final and no further appeals can be made.

## Guide for Judicial Committees

1. **Before any determination is made by the Judiciary Committee about whether or not a person has breached the Code of Conduct**, the person must be informed of the details of the suspected breach and the possible range of sanctions that may be imposed.

The person must also be given a reasonable opportunity to make a statement in relation to the suspected breach.

The guiding principle is that the process for determining whether a person has breached the Code must be carried out with as little formality and as much expeditious as a proper consideration of the matter allows.

- a. ***To suspend or not to suspend pending a decision?***

Suspension while an investigation is proceeding is an administrative action that must be taken for sound reasons. It should not be characterised as a sanction in itself. In exercising the power to suspend pending a determination, it is important for the decision maker not to prejudge, and not to be seen to prejudge, whether a breach has occurred.

## 2. **The Decision Making Process**

- a. ***Procedural Fairness***

In its fullest application, procedural fairness requires that

- People against whom an adverse decision may be made are informed of any allegations against them in as much detail as possible
- Wherever possible people must be provided with an opportunity to put their case, and to hear the case against them, whether at an oral hearing or otherwise
- Where a decision has to be made between competing interests, all parties to a matter must be heard and all arguments considered
- No person judges their own case or a case in which they have a direct interest
- Decision makers must act fairly and without bias or a perception of bias.

- b. ***Standard of proof***

The standard of proof for determining whether a breach of the Code of Conduct has occurred is *on the balance of probabilities*. This means that the decision maker must be satisfied that a breach of the Code is more probable than not.

The level of proof, while still being on the balance of probabilities, will rise in accordance with the seriousness or importance of the issue to be determined. For example, an allegation of being rude to an official will have a lesser standard of proof than an allegation of theft.

c. ***Investigating a complaint of misconduct***

At the beginning of an investigation about a complaint, the Club, Area or NZPCA (as appropriate) should, among other things, ensure that the person who is the subject of an investigation is familiar with the NZPCA's policy in regard to complaint handling. The person being investigated should be advised **in writing**, that an investigation regarding the complaint is underway, what the complaint is about and that personal information about them may be disclosed to others, where necessary and appropriate, as part of the investigation. The Club, Area or NZPCA should answer any questions the person may have at this time about the process and the complaint under investigation.

The person about whom the allegation has been made should be treated in a manner consistent with the Values and Behaviours set out in the Code of Conduct.

Other parties to the investigation such as the complainant and any witnesses should be advised that personal information relating to them may be disclosed to the person being investigated and others where necessary and appropriate.

d. ***Recording the determination***

After a determination in relation to a suspected breach of the Code has been made, a written record of the findings should be prepared. The written record should identify the alleged breach of the Code and also set out the findings on relevant questions of fact and refer to the evidence or other material on which those findings were based.

e. ***Disclosure of personal information***

Where an investigation has been completed and part of the recommendation is for the person's personal information to be released to another person, body or agency (including the complainant), the individual concerned should be advised and provided with an opportunity to respond to the proposed release of their personal information prior to release. For example, a finding regarding damage to property is to be provided to the Management for the grounds on which the pony club is permitted to hold its rallies. A reasonable time frame should be allowed for the person's response and should be sufficient to allow them to seek advice about the proposed disclosure as necessary.

The primary consideration should be that disclosure of personal information regarding misconduct is managed in such a way that personal information is not revealed **unless it is necessary, appropriate and reasonable to do so**. It should be possible in most circumstances to give a complainant adequate information about the way their complaint has been handled without disclosing personal information about the person.

### 3. Sanctions

A sanction can be imposed on a person only after it has been determined that the person has breached the Code of Conduct.

*(Refer Sanctions as listed in Guide to Managing Breaches and Misconduct)*

There is no impediment to the imposition of more than one sanction, but NZPCA, the Club or Area in imposing the sanction must be satisfied that more than one sanction is appropriate in the circumstances. *For example, a member may be excluded from selection for team events for a period of time and required to attend team practices prior to the event as a non-riding member.*

Where the sanction imposed is a reprimand, it is subject to the same standards of record-keeping as apply to other sanctions.

A determination that a breach has occurred does not necessarily mean that a sanction must be imposed. A decision can be taken that other action may be appropriate. For example, the person may be counselled, with a view to preventing a recurrence of the conduct in question.

In reaching a decision to impose or not impose a sanction, a statement of reasons should be provided to the person affected.

### 4. Other considerations

There are a number of other issues relevant to the misconduct process, particularly relating to past conduct, resignation of membership or transfer to another Club and potentially Area during an investigation.

### 5. Suspension Checklist

In deciding whether or not to suspend a person's participation, the following questions should be considered:

- a. ***Pre-decision suspension***
  - i. Is it appropriate pending a decision to remove the person from the pony club activities?
  - ii. Has a change in responsibilities or role been considered as an option? E.g. could the member still attend in a non-riding capacity, could the instructor who is also a parent still attend in a non-coaching role
  - iii. Is it clear that the decision maker is not prejudging and is seen as not prejudging whether the person has breached the Code of Conduct?
  
- b. ***Pre-decision and post-decision suspension***
  - i. Has there been an opportunity for the person to make a statement before the suspension is implemented?
  - ii. Has the person been advised of the possible length of the suspension and of his/her ongoing status? (e.g. attendance at training courses previously booked, entitlement to enter or participate in competitions)

## 6. Past Conduct

The person who is determining whether or not a breach has occurred should ordinarily consider only the incident(s) in question to make that determination. In some cases, however, evidence of prior similar incidents, or evidence which shows a particular tendency, may be relevant to a determination about the incident(s) in question. The person should be advised of any past conduct that it is proposed to take into account in this regard.

## 7. Appeals

Following a decision of a Judicial Committee either party has the right to appeal the decision within 14 days of notification decision being made on the following grounds. The decision of the Judicial Committee that hears an appeal is final and no further appeals can be made.

### Grounds for appeal:

An appeal may only be made on one or more of the following grounds:

- a. that natural justice was denied;
- b. that the Judiciary Committee acted outside of its powers and/or jurisdiction (i.e. acted ultra vires);
- c. that substantially new evidence has become available after the decision, which is being appealed, was made; or
- d. in respect of a decision relating to misconduct involving the Appellant, that the penalty was either excessive or inappropriate.

The process for appeals is as follows;

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Appeal against Area Judicial Committee decisions must be made to the NZPCA General Manager, to be heard by the National Judicial Committee. A fee (as set by the Board) must accompany the appeal.

Appeal against National Judicial Committee decisions must be made to the Sports tribunal.

## 8. Criminal matters

Any breach which is considered "criminal" must be referred in the first instance to the Police and guidance taken from them.

NZPCA **must** be notified of all criminal instances.

Where a person is being dealt with in connection with both criminal action and a suspected breach of the Code, procedural fairness requires that the two matters are dealt with by different people. For example an allegation of theft of pony club funds or property.

While it is possible to pursue the misconduct process at the same time as the criminal process, care must be taken not to risk jeopardising the prosecution of the criminal charge. Close liaison with the external investigating authority and the prosecuting authority is recommended and Clubs and Areas should be guided by the Police and NZPCA in these instances who can obtain legal advice as required.

Where it comes to light that a person, *through their private actions*, has been charged with a criminal offence, and where the criminal charge relates to behaviour that could have an impact on the person's ability to maintain honesty and integrity in their NZPCA involvement or is likely to damage the integrity and/or good reputation of the NZPCA or the pony club movement, it may be appropriate to take action to investigate the matter as a possible breach of the Code. For example, a parent is charged with drug trafficking to minors.

In serious cases, it may be appropriate to suspend the person until the decision of the Court is known. Action to suspend should only be taken where the Club, Area or NZPCA believes on reasonable grounds that the person has, or may have, breached the Code; and that the suspension is in the public or organisation's interest. Certain criminal charges may have different impacts. For example, charges related to insider trading or tax avoidance do not have the same effect and will be dealt with quite differently from charges of child abuse.

If a criminal charge has been heard, the Club, Area or NZPCA may commence a misconduct process on the basis of its effect on the person's involvement with pony club.

## **9. Resignation during a misconduct investigation**

Where a person resigns their membership or ceases their involvement with the Branch or Club during the course of an investigation of suspected misconduct, the investigation should be discontinued. Any documents that have been obtained or created up to the date of resignation should be retained, even where the investigation is not complete. A copy of such records should be provided to NZPCA.

If the person later seeks to re-join the same or a different pony club, these records may be used as part of a pre-membership review process. Where this is done, those using the information for that purpose will need to ensure that the principles of procedural fairness are applied, including advising the former member that the decision maker was taking such records into account and giving them the opportunity to comment.

## **10. Record keeping**

Records relating to serious breaches or misconduct will be kept by NZPCA on a separate file or, where appropriate, an investigation file. Access to such files will be limited. The existence of a separate misconduct file will be made apparent (e.g. by cross-reference). Decision-makers who are determining whether the Code has been breached or who are deciding an appropriate sanction may have access to these records where appropriate. The weight they give to the

person's conduct record in the decision making process, however, will depend on the timeframe and the nature of the misconduct that has been recorded.

## 11. Disclosure to other parties

A copy of the investigation report and outcome should be provided to NZPCA in all instances for their records.

Careful consideration should be given as to whether it is necessary or appropriate to disclose information relating to an investigation to others, including to:

- The complainant
- The Branch
- The Club
- The Area
- NZPCA
- Police or other authorities

The primary consideration should be that disclosure of personal information regarding misconduct is managed in such a way that personal information is not revealed **unless it is necessary, appropriate and reasonable to do so**. It should be possible in most circumstances to give a complainant adequate information about the way their complaint has been handled *without* disclosing personal information about the person.

Where you are uncertain, seek guidance from NZPCA national Office ..***Providing information on Code of Conduct investigation outcomes to complainants***

Complainants have a legitimate interest in knowing that alleged 'wrongs' have been addressed. Complainants should be given sufficient information to provide assurance that the Club, Area or NZPCA:

- Has taken the allegation seriously
- Does not tolerate behaviour that is inconsistent with the Code of Conduct
- Has imposed an appropriate sanction where a breach has been found
- Has taken appropriate steps to ensure the problem will not recur.

However, when considering what information to provide to complainants to ensure confidence in NZPCA's administration, there is a need to balance:

- An individual's right to privacy;
- The need to take reasonable steps to be transparent and accountable to any other parties involved.

NZPCA can provide general information to complainants about the outcome of investigations. Consideration should be given to the circumstances of **each individual case** when deciding if,



and to whom, personal information might be released. Deliberations about any disclosure of personal information will be informed by the:

- Nature and seriousness of the misconduct
- Likelihood of consequences to the person about whom the information relates
- The type of information that could be disclosed

A suggested format for a letter advising a complainant of the outcome of an investigation is attached.

## 12. Disclosure of the Misconduct

In some instances, there may be a desire to highlight particular cases of misconduct for the purposes of education, deterrence or prevention. It will usually be possible to circulate information describing the breach, subsequent actions taken and advising others of appropriate behaviour without disclosing the identity of the person concerned. Disclosure might include the results of an investigation and any sanctions imposed, remedial action taken or changes to information, policies or processes.

NZPCA may elect in future to report breaches at their AGM or in their annual report or other manner. Such actions may serve to increase the public's confidence in the pony club movement as a whole.

With the possible exception of serious criminal misconduct supported by a finding of a Court, care should be taken, to ensure that the person's identity cannot be reasonably ascertained from this information. Consideration should be given to any adverse effects that disclosure of information might have on the welfare of a person if, for example, rumours of their misconduct and sanction become widespread. This would particularly be the case where a person's personal circumstances may have contributed to the behaviour or conduct under investigation.

In the case of criminal matters, care must be taken to ensure, that criminal proceedings are not jeopardised by the inappropriate disclosure of information related to the Area or NZPCA investigation. Legal advice via NZPCA should be sought as to what information may be disclosed in these circumstances (for example, advising that the matter has been referred to a court of law).

### **The following is some additional information for the Judicial Committee**

There are some traps to be avoided in dealing with breaches.

1. Whilst dealing with issues in a timely manner is important **Don't** be rushed, this could mean suspending someone from a role while the investigation takes place. Seek support from NZPCA if considering this action. Equally try not to have it draw out for too long as it promotes suspicion and discontent.

2. Communicate, with the complainant, explain what your plan is. talk to all involved including giving them realistic timelines. Also if you can't meet the timeline update them - we appreciate you are all volunteers.
3. Natural Justice- anyone who has had a complaint made against them is entitled to know the details of the complaint and a right to reply
4. Avoid verbal conversation in the early stage.
5. At **no stage** may any party record conversations.
6. Continually refer to the supporting documents for guidance
7. Stay focussed on the complaint other issues can and do arise but need to be dealt with separately.
8. Beware of the counter claims and it will happen - ask them to make a formal complaint through the correct channels.
9. Seek guidance from NZPCA Resolutions Committee if needed.

### **Communication.**

Clear and concise open and honest. Always ensure you summaries your conversation before concluding a phone conversation so you ensure you are both on the same page. This gives everyone the opportunity to clear up any misunderstandings.

You should send an email summarising the agreed points to the person and state "that no response will be taken as an indicator that the points are correct and accepted".

Need to ensure that there is communication throughout the process with the complainant and the accused. For these persons, this is a huge issue and will cause stress.

At the conclusion ensure all persons know the decisions and any recommendations made whilst ensuring privacy of those concerned. If possible deliver this to the complainant and accused verbally and follow with letter.

The following are **templates** of letters which could be of assistance. These do not have to be used they are designed as a guide. Be as clear as possible with no opened ended comment. Always ensure the recipient Know who to contact with any queries

## Appendix 1

Letter of acknowledgement to person/s lodging complaint

Name  
Address  
Date

Dear xxxxxxxx,

We are in receipt of your letter dated xxxx > Received by email on xxxxxx.

Your complaint has been referred to the Club DC/ Area President for review. Following review, you will be informed of the process to follow.

We would strongly recommend you do not discuss this with others to preserve the privacy of all concerned

Yours Sincerely

XXXXXXX  
Role

Ensure at least one contact is included

## **Appendix 2** Letter to Complainant from Club/ Area Judicial

Dear xxxxx,

Your letter of Complaint against XXXXX received on XXXXXXXX has been referred to the Club/ Area Judicial Committee by the Club DC/ Area President

We will be looking into your complaint and as part of this you will be contacted to arrange a time to speak with you.

We will endeavour to reach a conclusion in a timely manner and will keep you informed of any decisions, recommendations arising from our findings

We would strongly recommend you do not discuss this with others to preserve the privacy of all concerned

Your sincerely

xxxxx  
title

Ensure a contact is included

**Appendix 3** Letter to the accused

Note at times its more appropriate to make initial contact by phone and follow with letter // email

Dear xxxxxx

The Club / Area Judicial Committee is in receipt of a complaint of a breach of the NZPCA Code of Conduct made against you as result of and incident on XXXXXX date at XXXXXXXX.

The allegations are

List same as written in the complainants letter

This committee considering this complaint are

- 1
- 2
- 3

You are being given the opportunity to respond to this allegations by letter or should you prefer by attending a meeting of the Judicial on xxxx at xxxx. You are welcome to bring a support person.

Once the Committee have had the opportunity to hear from all parties a decision on what if any actions should be taken will be delivered in a timely manner.

To assist you in understanding the Judicial process we refer you to the NZPCA Code Of Conduct and the Document Breaches of the Code Of Conduct available on the NZPCA website

We would strongly recommend you do not discuss this with others to preserve the privacy of all concerned

Please contact me with any concerns

Your sincerely

Title ie Chair x Pony Club/ Area Judicial

**Appendix 4 Letter to witness/s**

Dear xxxx,

You have been named as present when an incident involving XXXXX and XXXXX occurred at XXXXXXXX on XXXXXXXX.

There has been a complaint made to the Club/ Area Judicial re this incident and we would like to have your input either written or verbal.

The Committee plan to meet on XXXXXX if you chose to attend otherwise we would welcome a written account of your recall of the incident.

Please contact me if your preference is to meet with us and we can make arrangements to hear you. Otherwise could we have your response by mail to XXXXXXXXXXXXXXXXXXXX no later than xxxxxx.

We would strongly recommend you do not discuss this with others to preserve the privacy of all concerned

Yours sincerely

Ensure contact name and details included.

Appendix 5

Response to all Complainant and Accused Following the investigation of the Complaint

Dear X

Re Complaint against XXXXXX

Following investigation of the above complaint which included discussion with all parties made by xxxxx on date re xxxxxx . The committee has met and taken into account all of the evidence presented.

The xxxxxxxx Judicial Committee have made the following decision and recommendations

# NEW ZEALAND PONY CLUBS ASSOCIATION INC

## Yellow Card Process

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Included in this document;

Yellow card process- To assist the complaint handler

Complaint form- to be completed by complainant and complaint handler

Yellow card- to be given to offender if applicable

### The Yellow Card

Copies of this document are to be held at all Branches/Clubs/Area and must be available at all Pony Club activities.

Complaint handlers must be familiar with the "NZPCA code of conduct" document. The Complaint handler should be the most Senior Pony Club Official available (e.g. DC, President, Chief Judge, TD)

The issuing of a Yellow Card is applicable to all present at any activity under the NZPCA umbrella, including rallies (as per NZPCA code of conduct)

The Yellow Card is designed to help with the requirements for managing suspected breaches of the NZPCA Code of Conduct, and is seen as a learning and discipline tool to teach appropriate behaviour towards coaches, officials, riders, supporters, horses and property.

The following behaviours are considered examples of breaches:

- Welfare of the Horse
- Inappropriate behaviour towards another person or persons
- Failure to comply to Rules and Regulations
- Failure to maintain a safe environment
- Slanderous behaviour of any kind towards another person or persons
- Discrimination against another person based on their age, gender, sexual orientation, race, culture or religion
- Discrimination against another person based on their physical or mental ability
- Victimisation of another person for exercising their rights through the Code of Conduct



## Reporting an Incident

- At competitions the report should be made to the TD, Chief Judge of the Discipline or the most Senior Pony Club member of the Organising Committee. If appropriate use NZPCA Competitor query form, available from event secretaries otherwise yellow card complaint form.
- At Rallies the report should be made to the Head Coach, or a senior Branch Committee Member.
- At all other events run under the NZPCA umbrella, the report should be made to the most Senior Pony Club Official present.

Every attempt should be made to deal with a complaint/incident **at the time** and not delayed. If this is not possible it is expected that it be addressed within **48 hours**.

### Process for dealing with the Alleged Offender:

All alleged offenders having been informed by the appropriate official that a complaint has been received will be given the opportunity, in a private/quiet area, to give an acceptable explanation and or apology.

Any offender under 18 years **must** be accompanied by an adult.

Should the findings of the allegation warrant a form of disciplinary action, or the attitude of the person or persons that you are dealing with is unacceptable, they are to be informed that a Yellow card is to be issued.



## NEW ZEALAND PONY CLUBS ASSOCIATION INC.

### Yellow Card Complaint Form

(Can be on yellow paper)

This complaint form is STRICTLY confidential.

#### PLEASE PRINT

Date:
Pony Club event/activity:
Complainant:
<u>Complainants contact details:</u>
Name of Offender:
Age (if under 18 years):
Address:( If known)
Phone:

Define incident (*e.g. Welfare of Horse, abuse of official*) \_\_\_\_\_

#### Details of the incident:

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Name and contact details of Witness/s		
Name	Email Address	Phone Number
1.		
2.		
3.		

Signed by complainant

Name \_\_\_\_\_

Date

Signature  
\_\_\_\_\_

**Person/ Official who deals with Breach (complaint handler)**

**Print Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Actions/ Investigation**

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Findings

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Sanctions Applied( if appropriate)

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Yellow Card Issued YES/NO

**Person/ Official who dealt with Breach (complaint handler)**

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**A copy of this report form is to be sent to the National Office for entry to the database**

**Should include address**

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CUT HERE

<b><u>Yellow Card</u></b>
<b><u>Name of Person</u></b>
<b><u>On ( date) _____ at (Event or activity) _____</u></b>
<b><u>You were in breach of the NZPCA Code Of Conduct for</u></b>          
<b><u>Card issued by:</u></b>
<b><u>This card has been issued as a sanction for the above and is recorded at NZPCA Head Office</u></b>