



NEW PLYMOUTH BASKETBALL

Complaints Procedure

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Complaints Procedure

1 Introduction

The New Plymouth Basketball Association (NPBA) wishes to be proactive in providing the community with a clear process for handling complaints. Many concerns and complaints can be resolved quickly and effectively through discussion between the affected parties. The following procedure outlines the process to be followed to ensure a consistent approach is maintained when handling complaints.

The NPBA Judicial Regulations may need to be referred to depending on the nature of the complaint. A complaints register will be kept by the secretary with accurate details maintained of all actions undertaken.

2 Complaint handling principles

NPBA is committed to handling complaints in a fair, just and transparent manner and will ensure it follows clear processes and procedures at all times.

In particular, NPBA is committed to adherence to the following principles and will:

- **Treat** complaints seriously
- **Act** promptly
- **Treat** people fairly and listen to both sides of the story
- **Stay** neutral
- **Keep** parties to the complaint informed
- **Try to maintain** confidentiality if possible
- **Protect** against victimisation
- **Keep** accurate records
- **Make** decisions based only on information gathered not personal views
- **Ensure disciplinary** action is relative to the breach

3 Complaint handling options

NPBA will deal with complaints in a number of ways:

1. Informally for less serious complaints, e.g. coach showing favouritism towards their own child in team selection.
2. Formally in some circumstances, such as a player missing out on team selection because of race or religious beliefs or where a serious physical or verbal assault has occurred.
3. By referral to an external agency for very serious issues e.g. suspicious of harm against a child.

NPBA in some circumstances will seek the support of the Regional Sport Organisation (RSO) or National Sport Organisation (NSO) or the local Regional Sport Trust (RST) to deal with a complaint. For example, if a fair process can't be guaranteed because the person being complained about is also responsible for dealing with complaints at the association.

The Complaints Review Officer will be responsible for ensuring informal and formal review processes are fully documented and retained in a confidential file with the association records.

4 Timeframe for Lodging Complaints

A complaint must be sent to the NPBA secretary in writing no later than four working days following the incident that has led to the complaint. An extension may be available for complaints from the public.

Email: secretary@newplymouthbasketball.co.nz

5 Process for dealing with a complaint

When a complaint is received this will immediately be referred to the Association President (or Chairperson) who will act as the Complaints Review Officer who is responsible to ensure the correct procedures are followed.

Should there be a conflict of interest, the Association President (or Chairperson) will delegate the role of Complaints Review Officer to another association officer or committee member.

The Complaints Review Officer will meet with the complainant and:

5.1 Listen

- Let the complainant have their say

- Check whether they are making a complaint or just letting off steam
- Ask appropriate questions to clearly understand the nature of the complaint
- Make it clear that the complaint has been heard and is welcomed
- Explain any limits to confidentiality (absolute confidentiality cannot be provided if there is a suspicion of harm against a child)
- Ask the complainant how they want the matter to be dealt with
- Provide a timeframe of up to five days within which there will be a response back to the complainant with progress towards resolution of the issue.

5.2 Inform

- Let the parties involved know about the complaint including advising any person/s being complained about of the complaint made and any likely investigation
- Make a decision on whether a copy of the complaint should be sent to the person being complained about (this is a judgement call – if a formal process will inevitably follow then it is wise to provide a copy of the complaint to the defendant at the earliest opportunity.
- Keep everyone informed of the timeframe for an investigation

5.3 Gather Evidence

- Identify what information is needed and who can best provide it to inform decision making
- Gather information and witness statements if these are appropriate to the situation
- Ensure witness statements are received within two days of the request being made

5.4 Consider Options and Decide

Having defined the seriousness of the issue, the Complaints Review Officer will determine the most appropriate course of action to take. In doing this he/she will take into account the MOST appropriate statement from the following:

- the person complaining wants the issue sorted out informally
- the complaint appears to be about a lack of information or understanding of association policy
- the complaint concerns unfair or inappropriate behaviour
- previous attempts to resolve the issue informally have not been successful
- the complaint is about more than one person
- the complaint about the person has been made before or the behaviour is repeated

- the person with the complaint is looking to apportion blame and seek disciplinary action
- the complaint is about entrenched association culture (systemic)
- there is a risk of significant harm or harm has occurred
- the complaint has resulted in or is likely to result in significant detriment to the person(s)

Having considered the above, the Complaints Review Officer will then consider the options and make a decision on the most appropriate course of action as follows:

6 Informal Processes

The Complaints Review Officer will choose an informal complaint process if:

- The issue is not unlawful
- The issue is of low risk of harm on other people
- The person complaining is not looking to lay blame or want disciplinary action
- The problem can be resolved by clarifying our associations' policies or rules
- There is a power imbalance
- The behaviour being complained about has been observed by others
- The person complaining requests this option

If an informal process option is chosen the Complaints Review Officer may decide to take the following action:

- Provide more information to the person complaining
- Suggest the person complaining talks directly with person complained about
- Facilitate an informal discussion with all those involved
- Find a time to talk privately with the person being complained about (e.g. not in front of the team or parents)
- Let them know that concerns have been expressed but try not to make the discussion personal (e.g. rather than saying the person is alleged to show favouritism and bias towards their own child say there are concerns that children are not getting equal time in the game)
- Acknowledge their contribution to the association and discuss policies or guidelines that help clarify the association's position on the issue (e.g. junior sports policy and team selection)
- Ask for their perspective on the issue and what might have led to this being a concern
- Ask for their ideas on how to sort out the issue
- Check what further support might help them in their role (e.g. training)
- Get back to the person complaining with the outcome and monitor the situation.

7 Formal Process

The Complaints Review Officer may choose a formal complaint process if:

- The issue is not unlawful but cannot be resolved easily
- The issue is unlawful and there is a risk of harm to others
- There is a conflict of interest
- The complaint has not been resolved through informal processes

Formal processes involve following more structured processes and involving other (external) parties to resolve the issue. Examples of formal processes that the Complaints Review Officer might choose to use are:

1. Mediation
2. A judicial (or association committee) hearing
3. Escalation within the sport (to regional or national level)
4. Referral to an external agency.

7.1 Mediation

This is a good option when:

- One person has laid a complaint about the behaviour of another person
- Both parties are agreeable to mediation taking place
- The association is looking for a win-win solution so that it doesn't lose valuable members

Steps to follow:

The Complaints Review Officer will:

- Seek agreement of both parties to participate in a mediation process
- If agreement is reached identify and appoint an independent mediator that is satisfactory to both parties
- Coordinate arrangements for the mediated session on a date, time and place agreed by the parties
- Note: If there is no agreement reached to mediate then this option cannot proceed

7.2 Judicial or committee hearing

This is a good option when:

- The person complaining requests this action
- Mediation is not possible
- There is a possible detriment to either party if the complaint is unresolved
- The parties have not been able to resolve the problem themselves
- A quick resolution is required (e.g. when a decision is needed near the end of the season so as not to impact on finals participation)
- Outcomes could include disciplinary sanctions including suspension or termination of membership, referral to an RSO or NSO for further investigation or referral to an external authority.

Steps to follow:

The Complaints Review Officer will:

- Arrange appointment of a judicial panel of up to three persons (which may include expertise not available within the association or where there is a possible conflict of interest or close relationship between the people on the association committee and any of the parties to the complaint)
- Arrange a date, time and place for the judicial hearing at the earliest possible time
- Advise all parties to the complaint, in writing, of the date, time and place for the judicial hearing and the process that will be followed during the hearing
- Advise both parties they can bring a support person to the judicial hearing who may speak and participate in the judicial process
- Ensure both parties are given an opportunity to tell their side of the story before making decisions
- Appoint a representative of the judicial committee to gather more information and report back to the committee with recommendations before decisions are made if required (e.g. more serious or sensitive complaints such as sexual or racial harassment)
- Ensure that decisions are made based on fact
- Ensure decisions are clearly communicated to all parties and they are offered a right of appeal
- Ensure the committee reviews its policies following each judicial hearing and communicate the policies to association members and personnel to prevent further similar issues arising.

7.3 Escalate to RSO or RST or NSO

The Complaints Review Officer will direct a complaint to the RSO, NSO or RST if:

- It is beyond the skills of the committee and specific expertise or experience is required to manage the complaint
- The complaint has not been able to be resolved at the association level

- The issue is more serious than first thought

Steps to follow:

The Complaints Review Officer will:

- Contact the CEO of the RSO or NSO or the local RST to discuss the complaint and if and how the association can be supported to handle the complaint.
- Keep the parties involved informed about the complaint process.
- Protect the person complaining and the person being complained about from victimisation.
- Manage any gossip or demands by people who know about the complaint.

7.4 External Processes

All very serious allegations require urgent action and usually involve an investigation. Options for handling very serious complaints include:

- Referral to police
- Referral to a child protection authority
- Referral to an anti-discrimination agency.

7.4.1 External Agency

The Complaints Review Officer will choose this option when:

- The association's rules and disciplinary procedures do not enable for your RSO or NSO to be involved in the complaint (eg. your only option may be to seek legal advice)
- After gathering more information, the complaint appears to be very serious
- The complaint involves harm to a child
- The issue may be criminal or unlawful
- An external investigation is required.

7.5 References:

Sport Taranaki Complaints Procedure

BTI Complaints Procedure