

ABSL Complaints Policy

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Everyone involved in play, active recreation and sport joins with good intentions and we are all expected to do our best to treat each other with respect and comply with our policies and rules. Despite this, problems sometimes arise.

Children and young people in particular must be cared for, treated with respect and their welfare placed at the centre of everything we do in the sport. ABSL knows everyone involved in the activity/sport is here because of a shared passion for basketball and care for the people involved.

When people involved in activity/sport get into disagreements it can become a serious issue. ABSL is committed to supporting everyone, including participants, coaches, volunteers, whānau and supporters, to participate in an environment that is respectful, safe, and fair.

ABSL acknowledges it is important to everyone involved to respond quickly, fairly and thoughtfully to address issues. People are entitled to raise concerns or complaints and to have those addressed promptly and fairly. No one should be punished or victimised for raising a concern or a complaint in good faith.

Scope

This policy covers all activities administered by ABSL, Basketball Auckland, Counties Manukau Basketball and Waitakere West Auckland Basketball, and the clubs managed by ABSL.

Child Protection and other ABSL policies detail specific complaint procedures. These policy specific procedures that precedent over this policy.

Objective

This policy sets out the steps for raising and dealing with concerns and complaints. It aims to:

- Support people to resolve minor issues on their own.
- Give clear guidance for making, dealing with and resolving complaints.
- Make sure the approach taken to dealing with complaints is fair, consistent including enabling cultural appropriate responses and processes.

This policy is centred on equity, dignity, respect and maximising the potential of all people in basketball. The following principles should be kept in mind when applying it:

- Respect for the culture(s) of the people involved, including culturally appropriate processes, being enabled to resolve complaints and restore relationships.
- Addressing problems informally and face to face, wherever possible.
- Treating others fairly, equally and in a way that keeps their mana intact.
- Maintaining relationships and keeping each other safe.

Detail

Who can make a complaint?

Complaints can be made by or about anyone involved in the activities administered by the organisation in scope. This includes: volunteers, participants, supporters, members, employees, service providers, and families/ whānau of participants.

What can complaints be about?

Complaints may be made about things such as actions or decisions of organisation members or officials, processes not being managed well (or at all), low level disputes or disagreements between participants, unprofessional or upsetting behaviour, or delays or failure to communicate about matters affecting a person.

Complaints may involve:

- organisation management issues
- conflicts of interest (including favouritism)
- off-field unsporting behaviour
- disrespectful behaviour
- low-level bullying
- low-level sexual harassment
- discrimination
- abuse of power
- health and safety risks
- offensive/insulting language or behaviour.

This complaints policy does not apply to:

- on-field misconduct (covered by the rules of basketball), or selection or eligibility decisions (defined in Basketball NZ or ABSL policies).
- Serious complaints (e.g. unethical, dishonest or illegal behavior, harassment (sexual, racial or otherwise), bullying, health and safety risks, unlawful discrimination, and offensive/insulting language or behaviour) that may be breaches of ABSL policies. These will be assessed and may be dealt with under the relevant ABSL policy.

If you are unsure whether the Complaints Policy and Process applies to your situation, then please start with the procedure outline here and you will be guided to other policies if applicable.

Informal resolution first

People are always encouraged to raise concerns directly with the person who has behaved in a way causing concern, unless there are safety reasons or the issue is too serious to try to resolve it this way. If you do not feel comfortable raising the complaint yourself, a support person can raise it with the person on your behalf, or feel free to use the Formal Complaints Process outlined in this policy.

Both parties involved should have a chance to be heard respectfully, and feel safe to be able to say what they want to say, keeping in mind the need to find ways to resolve issues and be able to work with one another in future.

Early escalation

If direct informal resolution does not work or is not appropriate, then in the case of the issue arising at an event or activity a verbal complaint should be raised with the official in control of the event (Venue Controller, event organiser or similar), or in the case of the issue occurring outside a basketball activity, then with a staff member of ABSL.

This person will seek to resolve the issue immediately, ensuring that all parties involved have an opportunity to say what they want to say, and resolving the complaint to the satisfaction of all.

In the case that a complaint is resolved at this stage, the official or staff member will make a written record of the complaint and resolution.

Formal complaints procedure

What do I need to do?

Formal complaints should be made in writing, as soon as possible after the event(s). Where this is not possible, the complainant should be helped by the person receiving the verbal complaint to put it in writing. Ideally the complaint

should be raised in the complaints form in the Appendix to this policy – this will help to ensure the correct information is captured.

Who do I make the complaint to?

If the complaint is about an organisation issue or about a member of an organisation, the complaint can be raised with the CEO or Chair of ABSL.

If the person that the complaint would usually be made to is involved in the issue or has a conflict of interest, the complaint should be made or passed to an alternative ABSL board member.

If the issue is not resolved by ABSL, it should be referred to Basketball New Zealand and will follow Basketball New Zealand complaints process.

Sport New Zealand operate a Sports and Recreation Complaints and Mediation Service. The service is operated by Immediation New Zealand Limited, which has been contracted by Sport NZ to run the service independent of any sporting bodies, clubs and organisations. Its purpose is to ensure those with issues related to sport and recreation in Aotearoa New Zealand have a place to air their complaints and have them resolved fairly. The service is free and confidential. Our experienced team will provide information about the services and avenues available for resolving the issue. Further details can be found at <https://www.sportsmediationservice.org.nz/>.

How will I be treated?

A person making a formal complaint can expect to be treated in line with the following principles:

Fairness: Every person dealing with a complaint will remain neutral and listen to both sides of the story. Any action arising from a complaint will be reasonable in proportion to the seriousness of the complaint.

Respect: Every person involved in a complaint will be treated and is expected to act towards others with respect, dignity and in a culturally appropriate way. Complaints will be raised and handled sensitively, with a goal to preserve relationships by acknowledging each other's role and contribution to the sport.

Communication: Every person involved in a complaint will be regularly kept up to date on progress and the outcome.

Confidentiality: Information relating to a complaint will not be shared with any other person without consent, unless fair process or the law require the information to be shared with a person or an authority. This will be discussed with the person providing the information.

Restoration: The goals of the complaints process are to resolve the particular complaint, restore people's mana and maintain positive relationships with ABSL and across the basketball community.

Acknowledgement: Every person involved in a complaint will be asked to recognise the importance of acknowledging any fault or mistakes, the hurt this has done and if necessary, give a genuine apology.

Support: Both the person making the complaint and person complained about should have access to support throughout a complaint process. Everyone involved in a process may be accompanied by chosen family/whānau and/or other support people.

What is the process for resolving my complaint?

The person responsible for dealing with the complaint (the decision maker) must acknowledge receipt of the complaint as soon as it is received. This will be done in writing to ensure that the person making the complaint know their complaint has been received and is being taken seriously.

An initial contact should be made to discuss the next steps, support and any child welfare or safety concerns the complainant has. The complainant should be asked how they would like their complaint addressed, the process they would prefer and what outcome they are seeking.

It is important that the person who receives the complaint explains to the complainant that to resolve the complaint fairly to everyone involved, they will usually need to tell the person or organisation of the complaint made against them, give them all relevant information and discuss a process for resolving the complaint. If the person is under 18, their parent/guardian must also be notified. If the complainant is not willing to have their complaint or identity shared with the person or organisation concerned, other ways to resolve the complaint will have to be discussed.

The person who made the complaint and any other relevant people may be asked to give further information in a way that is comfortable to them (face-to-face, with support person or people if desired, by phone, videocall or email).

Complaints should be raised with the person who is complained about in a way that preserves the dignity and mana of that person, their whānau and wider community. The decision maker will usually meet separately with the person making the complaint and the person complained about. These meetings will be at a time and place and run according to a protocol/agenda that suits everyone, to the extent possible. People may be accompanied by chosen family/whānau and/or other support people. These meetings should take place as soon as possible and ideally within two weeks of the complaint being received. Where it is not possible to meet face to face, the meeting can be held by phone or videocall if people agree and have access to technology.

Decisions should be made in a careful, reasoned way that is justified on the facts and is consistent with any rules that apply. The decision should be recorded in writing with a simple explanation of:

- the issue
- any applicable policy or rule
- the process followed
- the facts and any evidence relied on
- any submissions or explanations by anyone involved
- the decision (complaint upheld or not upheld)
- the reason for the decision
- any penalty or outcome
- any recommendations for repairing relationships.

Note, that although most people involved in basketball are volunteers, some are employees.

If someone is an employee, they need to have a written employment agreement, and must be treated fairly under New Zealand employment law if any decision is being made about their employment.

Contractors (who are not employees) need to be treated fairly and reasonably, and consistent with the terms of their contract.

Volunteers should be treated fairly, reasonably and respectfully in making any decisions about their conduct or participation in the sport.

Communicating the outcome

The decision maker(s) will promptly provide a copy of the decision to the person or organisation the complaint is about, and the complainant, and outline any appeal process. The outcome should be discussed so the parties understand the decision and why it was made, and what will happen next.

The people affected by the decision (the complainant, the person or people complained about, family/whānau and wider community) may have strong feelings about the outcome and the impact on their reputation, rights or mana. There should be a discussion about what steps can be taken to restore relationships and mana of everyone involved. Support should be explored, especially if there are any concerns about health, wellbeing or safety.

All matters related to a complaint will be recorded in writing and stored in a confidential folder including the complaint, any response to the complaint, notes of any meetings or conversations, relevant documents, board minutes, the decision and any outcome. The details of all complaints will be kept confidential unless otherwise agreed between the parties.

Complaints Form

Contact details of person raising complaint				
Name			Your role in basketball	
Phone			Email	
Address				
Are you under 18?	Yes	No		
Basketball organisation involved				
If you are making a complaint for someone else.				
Name of person complaining on behalf of				
This person's role in basketball				
Contact details of person complaining on behalf of				
Is this person under 18?	Yes	No		
Details of person or organisation complained about				
Person's name			Role in basketball	
Is this person under 18?	Yes	No		
Organisation name				
Complaint details				
Date of incident			Location of incident	
Nature of complaint (Tick as many as relevant)	Club/Organisation management issue Physical abuse/Assault Sexual harassment Support person Parent Other – provide details:		Bullying Racism Verbal abuse Supporter Other Volunteer – provide details:	Unfair decision Discrimination Coaching issue
Description of incident / complaint				
Details of any witness	Name		Contact Details	
	Name		Contact Details	
	Name		Contact Details	
	Name		Contact Details	
Action taken so far (if any) to attempt to resolve matter, or ensure safety (Use additional sheets if required)				
*If relevant: Agency contacted (including the Police):				
Who			When	
Advice				
Your name				
Signature			Date	