



Complaints Procedure.

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Appendix One - Complaints and Disputes Resolution Form

Appendix Two : - Complaints Procedure Flowchart

Complaints Procedure – needs to be read in conjunction with the Complaints Procedure Flowchart Appendix Two.

1. Our commitment to you

We're committed to ensuring any complaints and disclosures you make are handled and resolved in a fair, timely and appropriate manner.

We do this by:

- taking all integrity complaints and disclosures seriously
- dealing with each complaint objectively and impartially, and treating you fairly and with respect
- having a clear process for you to make a complaint or disclosure
- making sure our complaints and resolution process is age appropriate and culturally responsive
- making sure your privacy rights are protected and any personal information you share meets our privacy policy
- providing adequate support, direction and resources to facilitate the fair, timely and effective resolution of integrity complaints and disclosures.

This document provides more detailed information about how we manage and resolve complaints and disclosures at Basketball Manawātū and what happens when you make a complaint, or if a complaint is made about you.

2. Who you can speak to

If you are concerned about behaviour you see or experience you can make a complaint or disclosure under this policy either to:

- General Manager of Basketball Manawātū
- Chairperson of Basketball Manawātū (if the complaint relates to the General Manager).
- Sport Integrity Commission – sportintegrity.nz/making-a-complaint

3. When the Complaints & Disputes Resolution Policy applies

This policy applies to any complaints or disclosures that:

- a. may constitute a breach of the Integrity Code and policies of Basketball Manawātū giving effect to our obligations under the Integrity Code.
- b. arise in participating in, or performing any roles or responsibilities in relation to, Basketball Manawātū or basketball activities that we are responsible for, including, but not limited to:
 - participating in basketball
 - relationships that are connected to Basketball Manawātū or basketball activities
 - complaints made about Basketball Manawātū including about our staff, volunteers and contractors

- complaints made by members to Basketball Manawātū about another member, participant or other person involved in basketball activities that we are responsible for
- any acts or omissions that occur in, or outside of, New Zealand.

This policy does not apply to:

- complaints or disputes about the rules of the game or activity or in-play decisions
- breaches of the rules of the game or activity
- disputes relating to selection or eligibility.

4. Complaint handling principles.

As an organisation, we are committed to adherence to the following principles and will:

- 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

The General Manager Basketball Manawātū has authority to oversee complaints, member discipline and appeals process in consultation with the governing board of Basketball Manawātū. The Board Complaints, Discipline and Appeals Sub-Committee will be consulted by the General Manager on any complaints, discipline recommendations or appeals with any decision made by the sub-committee conveyed through the General Manager.

This Policy outlines the authority delegated to General Manager to manage complaints.

It also covers prohibited behaviours that represent a threat to integrity within Basketball Manawātū or basketball.

Complaints considered using this process may be behavioural or procedural or any other matter considered to bring Basketball Manawātū into disrepute.

5. Complaint handling options.

While parties are always encouraged to resolve matters between themselves this policy allows for complaints to be made where this cannot be achieved.

Basketball Manawātū will deal with complaints in a number of ways:

- Informally for less serious complaints e.g. coach showing favouritism towards their own child in team selection.
- 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.
- By referral to an external agency for very serious issues e.g. suspicious of harm against a child.

The organisation will, in some circumstances, seek the support of Sport Manawātū, as the Regional Sport Trust (RST), or from Basketball New Zealand, as the National Sport Organisation (NSO) 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 organisation (Conflict of Interest).

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 organisation records.

6. Anonymous complaints

Natural justice ordinarily requires that respondents are fairly and transparently advised of the allegations against them.

Basketball Manawātū may accept anonymous complaints if there is a compelling reason to do so and if sufficient information is provided to enable fair and effective resolution or investigation of the matter.

If a complainant wishes to remain anonymous or asks that certain information remain confidential and this prevents Basketball Manawātū from carrying out a fair process, Basketball Manawātū may decide not to take any further action in relation to the complaint. Basketball Manawātū will inform the complainant of this before closing the matter.

7. Timeframe for Lodging Complaints

A complaint must be received by the General Manager in writing not later than seven working days following the incident that has led to the complaint. (Refer Appendix One for the official Complaints Form)

8. Process for dealing with a complaint.

When a complaint is received, this will immediately be referred to the General Manager (who will act as the Complaints Review Officer) who is responsible to ensure the correct procedures are followed and shall acknowledge receipt of the complaint within 24 hours of receiving the complaint.

Should there be a conflict of interest with the General Manager, then the Chairperson will be delegated the role of Complaints Review Officer.

The Complaints Review Officer will meet with the complainant and:

(a) 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.

(b) 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

(c) 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.

(d) 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 organisation 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 organisation 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:

9. 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 organisations' 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 organisation and discuss policies or guidelines that help clarify the organisation'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.

10. 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:

- Mediation
- A judicial (or organisation committee) hearing
- Escalation within the sport (to BBNZ level)
- Referral to an external agency.

11. 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 organisation 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

12. Judicial 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 BBNZ 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 organisation or where there is a possible conflict of interest or close relationship between the people on the organisation 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 organisation members and personnel to prevent further similar issues arising.

13. Escalate to Sport Manawātū or BBNZ

The Complaints Review Officer may direct a complaint to Sport Manawātū or BBNZ 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 organisation level
- The issue is more serious than first thought Steps to follow:

The Complaints Review Officer will:

- Contact the Basketball Manawātū Chairperson for initial discussion and decision to refer it to this level.
- If it is agreed to take it further the General manager will contact the Community Manager and BBNZ, or the CEO Sport Manawātū, to discuss the complaint and if and how the organisation 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.

14. 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.

15. External Agency

The Complaints Review Officer will choose this option when:

- The organisation's rules and disciplinary procedures do not enable for Sport Manawātū or BBNZ to be involved in the complaint (e.g. 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.

16. Disciplinary action

A breach of the Integrity Code or policies of Basketball Manawātū giving effect to the Integrity Code may lead to sanctions being imposed on a participant.

Sanctions may be imposed in accordance with Part 4 of the Integrity Code and the disciplinary policy of Basketball Manawātū.

17. Privacy and confidentiality

Personal information collected or held by Basketball Manawātū, including in relation to any integrity complaint or disclosure, must be managed in accordance with the Privacy Act 2020 and with the privacy policy of Basketball Manawātū.

Personal and confidential information will only be disclosed or used by us as required or permitted under the relevant privacy laws and any relevant confidentiality obligations.

As far as reasonably practicable, we will seek permission from the complainant before disclosing personal or confidential information provided by or on behalf of a complainant.

Basketball Manawātū confirms that anyone who provides personal information to it in connection with any Integrity Code obligations or activities will be advised about:

- the purpose of collecting the personal information
- what it will be used for
- how it will be stored
- how long it will be kept for
- whether the information will be shared or disclosed.

18. Fairness, impartiality and conflicts of interest

Basketball Manawātū will address each complaint equitably, objectively and impartially.

If a complaint is about Basketball Manawātū or a person employed or acting on behalf of Basketball Manawātū, we will ensure that the person handling the complaint is different from any person who is involved in the complaint.

Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

19. Natural justice

Basketball Manawātū and any person acting on behalf of Basketball Manawātū must give effect to this policy in a way that is consistent with the principles of natural justice. This includes ensuring affected parties are given the opportunity to be heard in relation to any matter which

affects that person's rights, obligations or interests protected or recognised by law and decision makers are unbiased.

The right to be heard before a complaint is resolved or any outcome is determined will be taken to have been given 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
- b. the complainant and respondent have had a reasonable opportunity to be heard in writing or at an oral hearing (if one is held)
- c. an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing
- d. an oral hearing (if any) is held before the decision maker
- e. the written statements or submissions of the complainant and the respondent (if any) are considered by the decision maker.

A decision maker must be impartial and able to consider the matter without a predetermined view.

If Basketball Manawātū or any party to the complaint has serious concerns about the ability of the matter to be decided fairly and in accordance with the principles of natural justice and raises such concerns with us, we will assess whether the matter is more appropriately dealt with by referral to the Commission for assessment (see Role of the Sport Integrity Commission section).

20. Appeal rights

Any decision made by the disciplinary body of Basketball Manawātū, may be appealed to the Sports Tribunal of New Zealand in accordance with section 38(ac) of the Sports Tribunal Act 2006.

Appendix One

Complaints/Disputes Form

I, _____ am hereby lodging a complaint/dispute on behalf of,
_____ against, _____ .

The incident occurred on ____/____/____ at (Time & Venue) _____

The complaint is based on BBNZ Regulations:

Description of complaint/dispute: Were any Referees or Association Representatives present who may have witnessed these events? If, so, who?

Signed: _____

Are you Under 18: Yes / No

Date: _____

Position/Title: _____

Contact Phone: _____

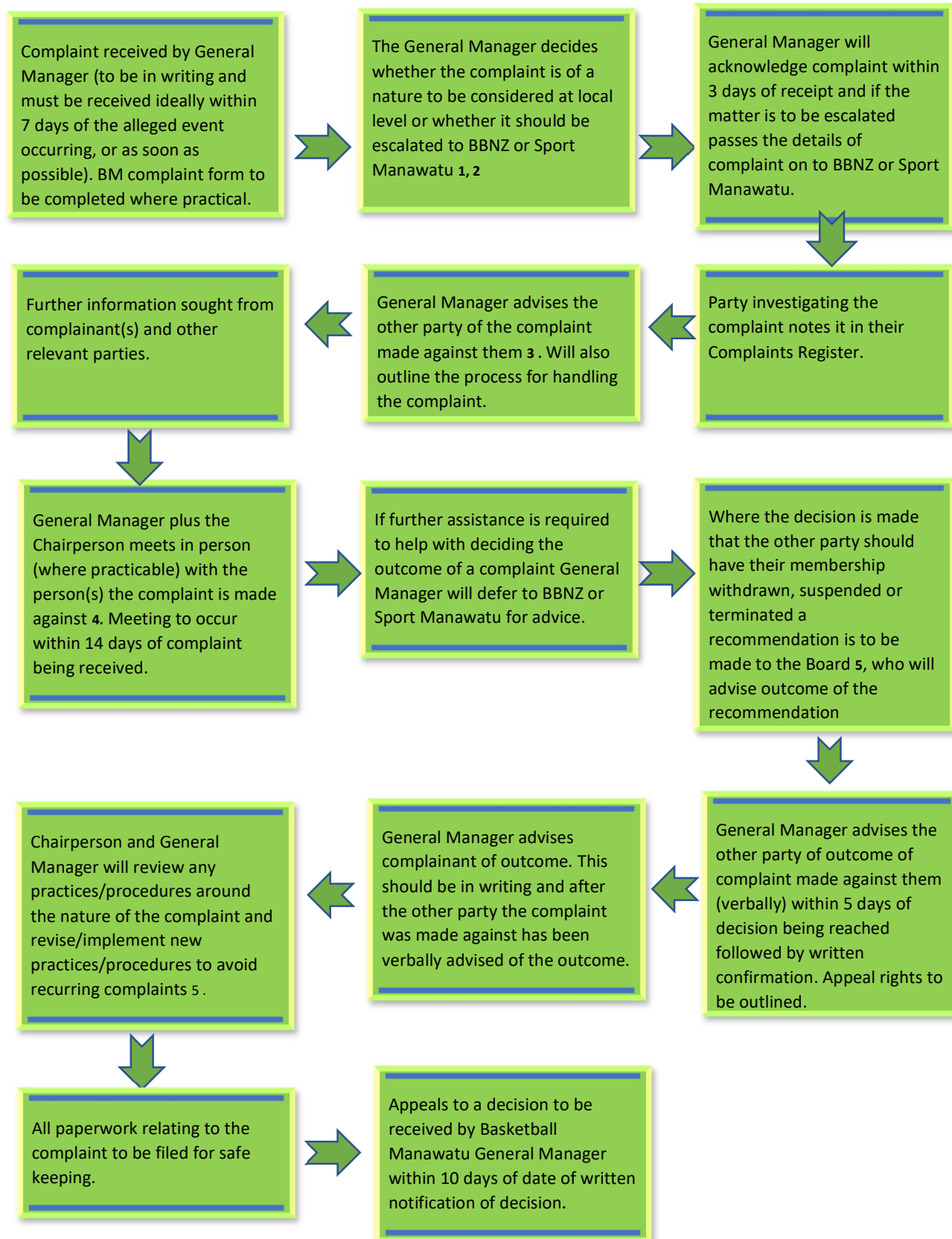
Contact Email Address: - _____

How do you wish to be contacted : - By Phone – By Email

I have read the Basketball Manawatu Privacy Policy & am aware of how my personal information will be used : - Yes / No

Appendix Two

Complaints/Disputes Flowchart



NOTES:

- 1** If the complaint relates to the General Manager or a member of the Basketball Manawātū staff the matter is to be referred to the Chairperson of the Board. Referrals to be made within 7 days.
- 2** If the complaint made is of a sexual and/or physical assault nature then the General Manager (in consultation with the Chairperson of the Board) should consider calling the New Zealand Police as they are trained to manage matters of this kind. Where a sexual and/or physical assault is alleged in a complaint received after the “event”, the Chairperson is to be consulted re possible referral to NZ Police.
- 3** Where the complaint is against a player, coach, manager, official under 18 years of age the parent/guardian of the player, coach, manager, official must also be notified.
- 4** The person the complaint has been made against should be extended the option of having a support person present during discussions about the complaint.
- 5** The Complaints Policy requires that parties to the process observe confidentiality where it has been agreed and not make available to others the private details (where not already publicly available) of parties to the complaints, member discipline and appeals process.
- 6** The General Manager will consult with the Chairperson of the Board throughout the complaint process of all complaints lodged.

Written Records: to ensure good practice all matters related to a complaint should be in written form and place on the complaints file. This includes, but is not limited to summaries of phone conversations, witness statements (to be dated and signed by witness)