



Mandurah Basketball Association Complaints Policy



POLICY DOCUMENT:	Complaints Policy
POLICY VERSION:	02
DATE APPROVED:	30 August 2023
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SUPPORTING POLICIES	Basketball Australia - National Integrity Framework Basketball Australia - Member Protection Policy Basketball Australia – Member Protection Complaints Basketball Australia - Child Safeguarding Policy Basketball WA Tribunal Process FIBA rules
SUPPORTING DOCUMENTS	Mandurah Basketball Association – Code of Conduct Mandurah Basketball Association – Feedback Form Mandurah Basketball Association – Code of Conduct Complaint Form Mandurah Basketball Association – Issue Resolution Flowchart

1.0 Application:

This policy applies to all members, committees, coaches, players, and volunteers within the Mandurah Basketball Association (MBA). It is to be read in conjunction with the Basketball Australia National Integrity Framework, Member Protection Policy, and Child Safeguarding Policy.

2.0 Purpose:

This policy outlines the prompt and judicially fair way MBA will receive, record, assess and manage complaints. It further details accountability measures and resources available to address concerns in a timely manner.

3.0 Policy Principles:

It is recognised that Mandurah Basketball Association will, from time to time receive complaints requiring investigation and resolution in the interest of maintaining professionalism and continual improvement.

3.1 Mandurah Basketball Association will consistently aim to ensure:

- 3.1.1 People have a right to respectfully voice concerns, expect a fair investigative process and be provided with outcomes in a timely manner.
- 3.1.2 Adoption of a cooperative approach to informally resolve matters, where possible prior to submission of formal complaints.
- 3.1.3 Complainants are not disadvantaged or victimised in any way as a result of any complaint.
- 3.1.4 Formal complaints are assessed, classified, investigated and determined in a confidential and timely manner. Judicial fairness will underpin all investigations conducted by MBA.



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3.1.5 Mandurah Basketball Associations' Constitution and Domestic By-Law's together with *Basketball Western Australia Member Protection Policy and Tribunal Process* provide appropriate guidance on dealing with incidents that arise during MBA affiliated competitions.

4.0 Member Feedback:

Developmentally oriented feedback, where appropriate should be the first consideration to address issues. MBA members should consider the following steps to seek resolution in the first instance;

- 4.1** Discuss concerns at the time, on game day, with the Games Controller/Referee Supervisor.
- 4.2** Seek support directly from your domestic club if the matter relates to domestic competition.
- 4.3** Provide feedback directly to MBA through lodging an MBA Feedback form to the office.
- 4.4** Contact a Member Protection Information Officer as outlined in BWA's Member Protection Policy for advice and guidance surrounding concerns.

4.5 Mandurah Basketball Association will review all member feedback forms received, but will not necessarily respond directly to all feedback. Responses will be supplied in cases where they are deemed as required by the Office Manager.

5.0 Complaints - Code of Conduct:

All coaches, players, parents, spectators, officials and administrators within Mandurah Basketball Association are bound by the Mandurah Basketball Association – Code of Conduct. Any alleged breaches of this code will be actioned swiftly, underpinned by the abovementioned principles.

5.1 Complaints can be lodged by anyone who witnesses inappropriate behaviour in writing through submission of the *Mandurah Basketball Association – Code of Conduct Complaint Form*. This form must be completed **in full** and submitted via email - info@mandurahbasketball.com.au. Incomplete forms will be returned for further information.

5.2 Complaints will be investigated, assessed and determined by the Office Manager or in instances where the Office Manager or a board member is the subject, by the board.

6.0 Appeals Process

Upon any matter being determined and sanction being issued, the subject has the right to appeal any decision made to the board. The board are responsible for assessing and determining all appeals in a timely manner.

6.1 For an appeal to be successful, the appellant must demonstrate either;

- 6.1.1** There was an error of policy application or material fact applied in the initial decision or;
- 6.1.2** The sanction issued was either manifestly excessive or inadequate.

7.0 Complaints – Game Results



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Complaints relating directly to the outcome of a game shall not be dealt with under this Policy. For this purpose an official protest must be lodged in line with the official FIBA rules.

8.0 Reportable (Tribunal) Offences:

All Basketball Western Australia (BWA) affiliated Associations must abide by the Basketball WA Tribunal Process.

8.1 Reports for reportable offences can only be submitted by a Mandurah Basketball Association Official, through the lodgement of an official BWA Report Form.

8.2 Mandurah Basketball Association Officials include;

- 8.2.1** Rostered Games Controllers
- 8.2.2** Rostered Referee Supervisors
- 8.2.3** Rostered Referees
- 8.2.4** MBA Office Manager
- 8.2.5** Competition Manager
- 8.2.6** MBA Board Members

8.3 Reports should be submitted for all behavioural based and unsportsmanlike related incidents at the time or as soon as practicable after. Upon receipt of a BWA report by any official, Mandurah Basketball Association will initiate the Basketball WA Tribunal Process.

9.0 Member Protection Policy – Basketball Australia

Basketball Australia - Member Protection Policy outlines guidelines for assessing and determining complaints regarding prohibited conduct. Any suspected or identified breaches of the Member Protection Policy will be governed by that policy and not fall within the scope of this policy.

10.0 Child Safeguarding Policy – Basketball Australia

Basketball Australia - National Integrity Framework outlines guidelines for assessing and determining complaints pertaining to safeguarding children. Any suspected or identified breaches of the National Integrity Framework - Child Safeguarding Policy will be governed by that policy and not fall within the scope of this policy.

11.0 Minor Misconduct

Minor misconduct relates to any failure, through behaviour action or inaction, to comply with any MBA related policy, guideline or employment contract. Minor misconduct can be described as engaging in behaviour which, whilst not unlawful is unacceptable.

11.1 Minor misconduct will be dealt with swiftly by the Office Manager in the first instance. In matters where the misconduct relates to the Office Manager and/or any board member, misconduct will be dealt with by the Board through:

11.1.1 In the first instance, speaking with the subject to ensure any behaviours constituting minor misconduct immediately cease. Issuing a verbal warning can be appropriate in these circumstances;



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11.1.2 In any second instance, reiterating expectations to the subject and the importance of compliance to avoid misconduct. A written warning can be appropriate in these circumstances.

11.1.3 In any subsequent instances where a repeated minor misconduct is identified, consideration will be given to ceasing any contract or agreement with the subject to perform any services.

12.0 Serious Misconduct

Is defined as any misconduct which is wilful and deliberate and causes an imminent risk to the health and safety of a person or the reputation and viability of the association.

12.1 For the avoidance of doubt, the following actions will, in all instances be classed as serious misconduct:

12.1.1 Theft;

12.1.2 Fraud or any other misappropriation of funds;

12.1.3 Assault;

12.1.4 Sexual Harassment.

12.2 In all instances where serious misconduct is suspected or identified it is to be immediately brought to the attention of the Office Manager, who is to immediately notify the board. In any instance where allegations relate to the Office Manager and/or any board member, serious misconduct is to be directly reported to the board.

12.3 In any instance where serious misconduct is identified, consideration will be given to immediately ceasing any contract or agreement with the subject to perform any services.

12.4 An assessment is to be made by the Office Manager and/or Board to determine whether any unlawful acts form part of the serious misconduct. In these instances, matters are to be reported to WA Police.

13.0 Persistent Complaints

All complaints received will be assessed and classified as outlined within this policy. Upon any complaint being deemed persistent in nature, the Office Manager will assess whether further action is required and notify the Complainant accordingly.

14.0 Vexatious Complaints

Mandurah Basketball Association will treat every complaint as serious and conduct a thorough investigation in all instances. No complaints are to be minimised or treated as trivial or any complainant discouraged from reporting matters

14.1 If, during the course of any investigation a complaint is identified as vexatious in nature this may be deemed a breach of Mandurah Basketball Association's – Code of Conduct.

15.0 Policy Review:

This Policy will be reviewed every two (2) years to ensure;



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- 15.1 Currency in line with changes to State and National legislation
- 15.2 Current terminology and reference material is contained within the document.
- 15.3 Mandurah Basketball Association meet their affiliate obligations in line with Basketball Western Australia (BWA) and Basketball Australia (BA) frameworks, policies and expectations.

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