



## GRIEVANCE, DISPUTE AND COMPLAINT HANDLING POLICY

<b>Number:</b>	BSA 037	<b>Version:</b>	3
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<b>Authorised by:</b>	CEO	<b>Next Review Date:</b>	January 2025

### Purpose

The aim of this policy is to provide a mechanism to raise grievances, disputes or complaints and ensure that they are dealt with fairly, promptly and efficiently.

In relation to BSA staff, this policy only applies where no Award or other Industrial Instrument applies.

Complaints relating to club/association or member group matters should be addressed at that level. Complaints can be escalated to Basketball SA if:

- mechanisms to address the complaint at that level have been exhausted and a satisfactory outcome is not achieved
- there is a real or perceived conflict of interest that impacts complaint investigation
- there is evidence that a suitable process has not been followed

### Scope

This policy covers all members and staff of Basketball SA as specifically referenced herein.

This policy applies to all clubs, associations and member groups in the absence of a similar club policy. This policy will apply to complaints escalated from club level to Basketball SA.

### Definitions

**Complaint** - An expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

**Dispute** - An unresolved grievance or complaint escalated either within or outside of our organisation.

**Grievance** - A clear, formal written statement by an individual staff member about another staff member or an internal Basketball SA problem.

### Policy

#### 1.0 Introduction

Basketball SA recognises that complaints are a mechanism for affecting improvement and as such promote a culture where people feel comfortable to raise complaints.

We take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

The intent of this policy is to resolve grievances, disputes, and complaints, however nothing in this policy limits a person's statutory rights.

It is the intent of Basketball SA that grievances, disputes and complaints are:

- Acknowledged
- Handled with integrity in an objective manner that is respectful to all parties
- Investigated following a process of natural justice and to ensure procedural fairness
- Investigated without bias, perceived or real conflict of interest
- Responded to, even those assessed as unsubstantiated
- Used to inform system improvements as required

Complaints will be assessed and prioritised in accordance with the urgency and/or seriousness of the issues raised.

Anyone raising a grievance, dispute or complaint is entitled to support or assistance from Basketball SA or a representative of their choice.

## **2.0 Staff Grievance and Dispute Procedure**

### Step 1:

- Raise the issue with your immediate manager/supervisor stating your grievance/dispute. If the grievance/dispute is about your manager/supervisor (or other manager of Basketball SA) you should raise the issue with their direct manager (ie. proceed directly to Step 2 or 3 as appropriate).
- The manager/supervisor will endeavour to investigate the problem and inform you of the resolution or action taken.
- Should you not be satisfied with the outcome you may elect to proceed to Step 2.

### Step 2:

- Put the grievance/dispute in writing (with all relevant details) and submit it to the Operations Manager. You can request assistance from a Member Protection Officer if required.
- The Operations Manager will endeavour to investigate the problem and inform you of the resolution or action taken. This may be done in consultation with the CEO if appropriate.
- Should you not be satisfied with the outcome, you may proceed to Step 3.

### Step 3:

- If a satisfactory outcome has not been reached, you may request the CEO (or Commission if the matter relates to the CEO) provide consideration.
- The CEO or Commission will consider the information surrounding the issues and propose a final decision/outcome.
- In this process, the Chair or an Agreed Alternate Dispute Resolution Advisor may conciliate the matter.

## **2.1 Staff Grievance and Dispute Disciplinary Actions**

The basis for disciplinary action may include, but is not limited to:

- Failure, refusal and/or neglect to follow reasonable lawful instructions;
- Raising erroneous complaints; and/or
- Repeatedly raising complaints which are found to have no justification.

## **3.0 Complaint Handling**

### Step 1:

- Approach the Stadium Service Officer (SSO) where possible. SSOs are on hand to resolve complaints and de-escalate potential conflicts.
  - SSOs will attempt to address complaints regarding behaviour, match proceedings, game day proceedings (eg. Teampay)
  - Referees can address on-court issues (with SSO assistance if necessary) using a Behavioural Technical Foul and/or Official Reporting mechanisms (see BSA023 Behaviour Management Framework)
- Should step 1 not be effective, or the complaint does not originate from the competition setting, you may go to step 2

### Step 2:

The following applies if you wish to raise a complaint:

- Complaints should be lodged through your club secretary/administrator
- If you are not a member of a club (eg. social player) the complaint may be lodged direct to Basketball SA or the relevant competition provider.
- Complaints are to be submitted using the Complaint Form (appendix 2), by email, or verbally.

*\*Complaints relating to incidents between club members should be dealt with in the first instance by the clubs concerned. Basketball SA may monitor these proceedings.*

### **Complaint Handling Process**

The Club secretary or administrator will determine the appropriate party to address the complaint and pass on accordingly. This may be Basketball SA, internal party within the club, another organisation, or alternate member group.

On receipt of a complaint, the following process will apply:

- a. Complaint acknowledged within 48 hours.
- b. Complaint referred to the appropriate department to follow up.
- c. Complaint assessed and possible or likely outcomes discussed with the complainant (or their representative)
  - Complaints will be responded to with a level of flexibility within 14 to 21 days of acknowledgement.
  - Complainant will be kept informed throughout the process, including timeframes, and if applicable reasons for any delay
  - An investigation may or may not be deemed necessary. If deemed necessary, the complainant will be made aware of the investigation process proposed
  - A complainant's identity will be protected where practical
- d. An outcome will be determined and all parties notified. When appropriate, an explanation will be provided but is not a mandatory requirement.
- e. Should a satisfactory process not be followed, the complainant may proceed to Step 3, otherwise the complaint is closed.

Records will be kept for trend analysis and process improvement. The Record of Complaint Form (appendix 2) can be used for this purpose. Records of conversations and other investigations should be attached as a transparent record should the complaint proceed to Step 3.

### Step 3:

If a satisfactory process has not been followed, an appeal may be lodged via email to the Basketball SA CEO (or equivalent authority within a club or other organisation) who will review the complaint documentation.

The CEO (or equivalent authority) may:

- Confirm the process and outcome as reasonable
- Refer the complaint to a Member Protection Tribunal
- Refer the complaint to Basketball SA for review (where the step 2 is handled by a member club or affiliated organisation)
- Refer the complaint to an independent external body eg. State Sports Dispute Centre for review and/or investigation.

### **3.1 Complaint Outcome Disciplinary Processes**

An outcome of a complaint may warrant the imposition of disciplinary measures (sanctions). Sanctions will be applied in a fair and reasonable way. The authority to issue sanctions is limited to the CEO, Club President/Committee, BSA Commission Chair, Operations Manager, or direct Manager.

Sanctions will be considered in the following circumstances:

- Behaviour is in breach of a Basketball SA policy, member policy, or codes of behaviour
- Behaviour is in breach of other rules, regulations or by-laws governing the activity
- The actions contradict reasonable instructions given by an official, or other authority figure
- The actions contradict the behaviours outlined in the Behaviour Management Framework
- Actions are deemed detrimental to a positive culture (eg. brings the sport into disrepute)
- Failure to respond to a complaint when requested.

If the determination aligns with an existing policy that provides for sanctions, sanctions will be determined pursuant to that policy. In other cases, sanctions imposed may consist of one or more of the following:

- Direction that the individual make a verbal or written apology
- A warning issued with consequences outlined if a re-offense occurs
- Direction to attend counselling or complete a specified training course
- A suspension from activity (eg. games)
- A demotion or transfer
- A withdrawal of awards (or other accolades)
- Termination of appointment or membership
- An individual and/or club fine

## Additional Information

- Sporting Organisations Award 2010,
- Fitness Industry Award
- Basketball SA Employment Contracts
- Fair Work Act 2009 (Commonwealth)
  
- Basketball Australia Member Protection Policy and Code of Conduct/Behaviour
- BSA023 Behaviour Management Framework
- Basketball SA Tribunal By-laws
- Basketball SA Competition By-Laws

## Appendices

Appendix 1 – Complaint Handling Flow Chart

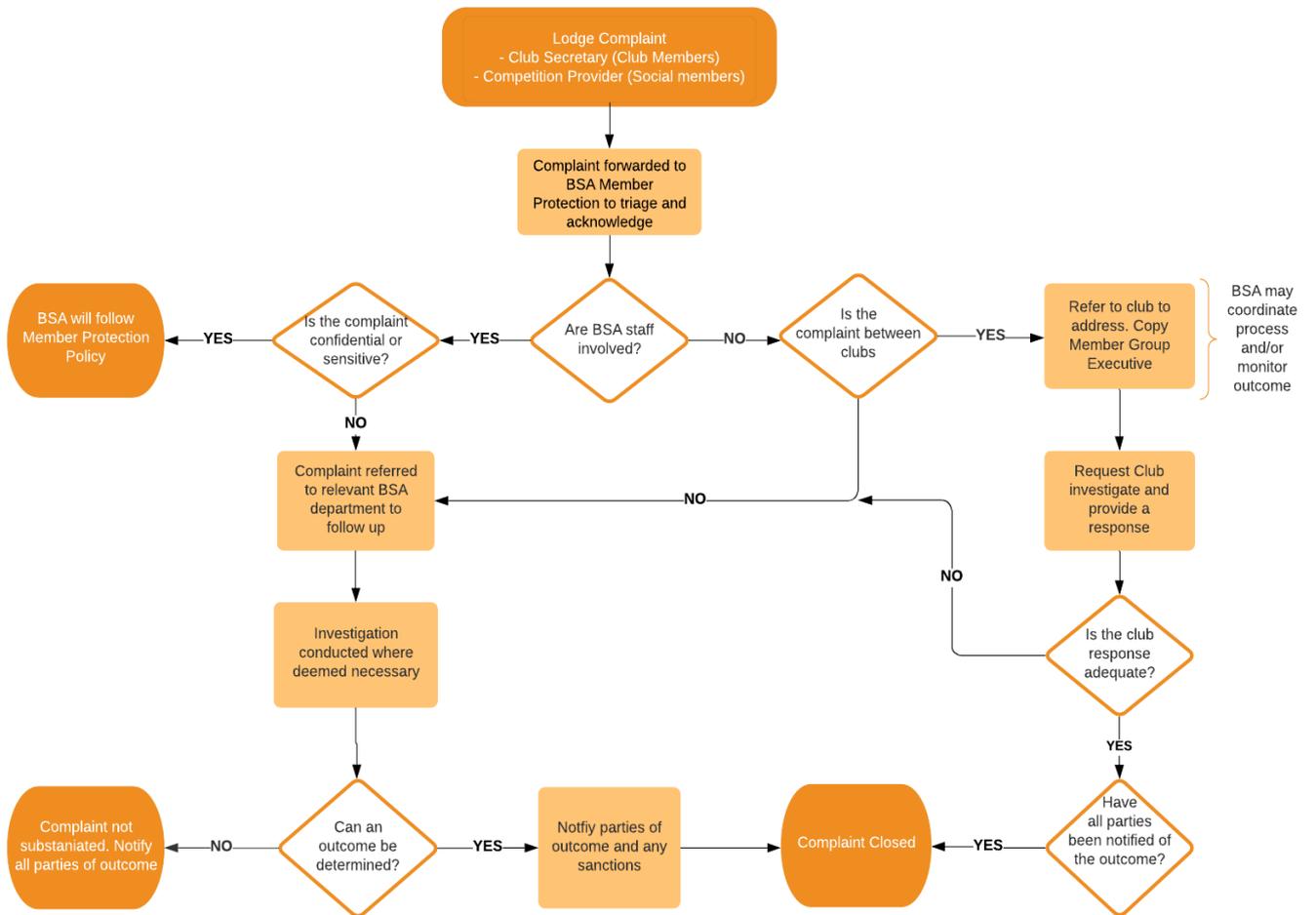
Appendix 2 – Register of Complaint Form

## Version Control

Version	Date	Nature of Amendment	Update Author(s)
1	24/02/2012	New Policy	CEO
2	01/05/2017	General Review	CEO
3	01/01/2022	Update to new format, updates to terminology, inclusion of complaint handling	CEO

# APPENDIX 1

## COMPLAINT HANDLING FLOW CHART



**APPENDIX 2**

**REGISTER OF COMPLAINT FORM**



**Complainant Details:**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

I am making this complaint as a: SSO / Referee / Club/ Team Official / Spectator / Player  
Other \_\_\_\_\_ or Record Keeping purposes

**Details of Complaint:**

Date of Complaint: \_\_\_\_\_ Time: \_\_\_\_\_

Competition/Division: \_\_\_\_\_ Venue: \_\_\_\_\_

My complaint involves: SSO / Referee / Coach / Spectator / Player / Other \_\_\_\_\_

What happened: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Complaint received by:** \_\_\_\_\_

*If this complaint relates to:  
Social competition, please forward to [contact@basketballsa.com.au](mailto:contact@basketballsa.com.au) within 48 hours of the incident  
District competition, please lodge with your club secretary.*

**Follow Up Action:**

Complaint referred to: \_\_\_\_\_

Action Taken: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Complaint Resolved by: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Notification sent on: \_\_\_\_\_