



KDBA COMPLAINTS POLICY

POLICY DOCUMENT:	KDBA Complaints Policy
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RELATED POLICIES:	KDBA Member Protection Policy KDBA Child Safeguarding Policy KDBA Disciplinary Committee Guidelines Basketball Australia Complaints Policy
SUPPORTING DOCUMENTS:	KDBA Code of Conduct

Introduction

Kalamunda & Districts Basketball Association (“KDBA”) strives to provide a fair environment for all involved in basketball and recognises that participants have a right to respectfully voice concerns and have complaints taken seriously.

As a Basketball Australia Member Organisation, KDBA has chosen to adopt the Complaints Policy developed by Basketball Australia (BA). This document summarises that Policy and the full BA Policy can be viewed using the link above.

All KDBA members, including coaches, players, parents, spectators, officials and administrators are bound by this policy in conjunction with the related KDBA policies listed above including the KDBA Code of Conduct. Any alleged breaches of these policies or the Code will be actioned swiftly, underpinned by the principles and process outlined in this document.

This is not intended to deal with issues that occur during Domestic competition fixtures – competition matters should follow the separate [Domestic Complaints Procedure](#).

KDBA aims to resolve all Complaints in relation to Participants, Clubs, Competitions and Events under its jurisdiction, however KDBA also benefits from the support of Basketball WA (BWA) to escalate and deal with a complaint if required.



1. OVERVIEW

The Complaints Policy provides participants with a complaint management process that outlines how Complaints will be managed by KDBA and, if required, how any sanctions will be imposed.

2. DEFINITIONS AND INTERPRETATION

Terms not otherwise defined in this document have been defined in and have the meaning given to them, in the Basketball Australia Complaints Policy (“Policy”). Refer to the Policy for a full list of definitions.

3. WHY MAKE A COMPLAINT?

Basketball is a wonderful sport in Australian society, providing physical, mental and social benefits for everyone who participates. To keep people involved in basketball, we need to make sure it is safe and fair for everyone.

When it’s clear that something unacceptable has happened or people have been hurt it’s important to report these behaviours as soon as they occur to ensure that the behaviour can be addressed, any ongoing issues can be prevented and make sure they don’t get worse. Holding people accountable for bad behaviour also sets a standard that these types of conduct won’t be tolerated.

Doing so will protect all participants, and build basketball environments that are safe, fun and fair for everyone.

4. WHAT IS MANAGED UNDER THE POLICY?

The Policy can be used to manage alleged instances of poor or Prohibited Conduct, including those defined under these policies:

- Member Protection Policy
- Child Safeguarding Policy
- Code of Conduct

Misconduct complaints may be referred to the KDBA Disciplinary Committee for resolution, as outlined in the related KDBA Disciplinary Committee Guidelines document.

5. WHAT IS NOT MANAGED UNDER THE POLICY?

Where possible, it is preferred that less serious complaints aim to be resolved informally at the level they occur (e.g. club). An example of a less serious complaint is the training time for your team conflicts with another personal commitment.

However, the circumstances of some complaints may require more formal processes and may be referred to KDBA under the Policy as required.



KDBA may refer very serious issues, like suspicion of harm against a child, to BWA or an external agency as required.

6. WHAT IS A COMPLAINT?

A Complaint means a matter reported to KDBA via the process outlined in clause 2, regarding an allegation or information that a Participant:

- has engaged in misconduct, behaviour which may be categorised as minor (unacceptable behaviour) or serious (wilful and deliberate, including but not limited to theft and fraud)
- may have engaged in Prohibited Conduct under the Member Protection Policy or the Child Safeguarding Policy;
- may have breached the Code of Conduct; or
- has been involved in any other issue requiring investigation.

A complaint cannot be a personal grievance, be mischievous, vexatious, or knowingly untrue, and cannot involve a person or organisation that KDBA has no jurisdiction over.

KDBA will however treat every Complaint received as serious; no Complainant will be discouraged from reporting matters, nor disadvantaged or victimised as a result.

7. COMPLAINT FRAMEWORK

Who can be a Complainant?

7.1. A Complainant can be any person who has information that a matter has occurred as outlined in clause 4.

Who can be a Respondent?

7.2. A Respondent must be a KDBA member, including Participants, staff, volunteers and representatives.

Standard of Proof

7.3. Unless otherwise specified, the standard of proof that applies to all decisions made under the Policy is "balance of probabilities" (something is more likely than not to have occurred).

Confidentiality

7.4. All Complaints (and all information, materials and documents disclosed in relation to them), including all evidence and the outcomes of any Resolution Process, will be kept confidential by the Respondent and KDBA, and will not be disclosed to any third parties.



Public disclosure of Sanctions

- 7.5. Where a complaint is found to have been substantiated and Sanctions are imposed, KDBA may publicly disclose these where it is reasonably necessary to do so, taking into account the seriousness of the offence and potential impact of public disclosure on the parties involved.

Failure to cooperate

- 7.6. Persons bound by this Policy must cooperate fully with any complaints process they are involved in, including any Resolution Process to resolve the complaint. Deliberately withholding information or documentation when requested, or providing inaccurate or misleading information may also be considered breaches of the Policy.

Vulnerable Persons

- 7.7. Where a Complainant or Respondent is a Vulnerable Person, their parent or guardian may act on their behalf and accompany them throughout the Complaints process, including at any interview or alternative dispute resolution process.

Appointment of Complaints Managers

- 7.8. KDBA will have a person or persons acting as Complaints Manager(s), who will have primary responsibility for managing KDBA's obligations under this Policy.

8. HOW TO MAKE A COMPLAINT

Submitting a Complaint

- 8.1. Complaints may be submitted to KDBA by completing the online Complaint Form and should be lodged as soon as reasonably possible following an alleged matter. The form can be found here:

<https://www.sunsbasketball.com.au/resources/>

IN INSTANCES WHERE THE COMPLAINT INVOLVES A CHILD IN DANGER OF ABUSE AND/OR NEGLECT, FOR IMMEDIATE CONCERNS CONTACT THE POLICE ON 000 AND/OR FOR WELLBEING CONCERNS CONTACT THE [DEPARTMENT OF COMMUNITIES](#).

- 8.2. A Complaint may be submitted by a parent or guardian on behalf of a Vulnerable Person.

Withdrawing a Complaint

- 8.3. A Complainant may withdraw their Complaint in writing to the Complaints Manager(s) at any time before a finding is made.



Escalating a Complaint

- 8.4. The Complainant may contact an external authority (e.g. Basketball WA, an anti-discrimination agency) at any stage during the Complaints Process as necessary.

9. COMPLAINT ASSESSMENT

In Scope

- 9.1. Upon receipt of a Complaint, the Complaints Manager will initially determine whether the complaint is in scope and can be dealt with by the association. This may include referring the Complaint to the KDBA Disciplinary Committee for resolution.
- 9.2. If not in scope, the matter may be dealt with by way of external referral as outlined in clause 3.3.

External Referral

- 9.3. KDBA can, in its absolute discretion, escalate Complaints to BWA or an external agency when it is determined that the type of complaint is best dealt with at that level. Situations where this may occur include, but are not limited to:
- 9.3.1. there is a possible conflict of interest (or close relationship) between parties to the complaint.
- 9.3.2. it is beyond the skills of the Complaints Manager(s) and KDBA determines that specific expertise or experience may be required to manage the complaint.
- 9.3.3. the complaint has not been able to be resolved at an association level.
- 9.4. If an external referral is made, the Complaints Manager may suspend the Complaints Process pending external resolution. The Complaints Manager shall inform the Complainant of any such decision unless directed not to do so by the external referral organisation.
- 9.5. If BWA manages a complaint, KDBA's role is to cooperate in any investigation, manage the situation until the outcome of the complaint is decided and implement any disciplinary action if required.
- 9.6. If the Complaint process is suspended due to an external referral or the Complaint involves behaviour that:
- 9.5.1. may be Prohibited Conduct under the Child Safeguarding Policy; and/or
- 9.5.2. has or may result in serious criminal charges being laid against the Respondent; and/or
- 9.5.3. suggests there is a further or ongoing risk of harm being suffered by one or more persons involved in the Sport,



KDBA will, in its absolute discretion, determine whether any Provisional Action(s) should be taken against the Respondent, including (but not limited to) suspension.

Notification To Parties

- 9.6. The Complaints Manager will communicate with the Complainant and the Respondent at appropriate intervals throughout the Complaints Process to keep them informed about the process until a resolution has been reached or the Complaints Process is otherwise discontinued.
- 9.7. The Respondent will not be entitled to a copy of the Complaint as submitted by the Complainant but will be provided with a summary, including any Alleged Breach(es) to allow them to respond. Both the Complainant and the Respondent will be informed of any relevant additional information that becomes known as part of the assessment process and provided with a reasonable opportunity to respond.
- 9.8. The Complaint Manager will notify both the Complainant and the Respondent of the outcome of the Complaints Process when it has been finalised.

Assessment

- 9.9. The Complaints Manager may collect further information in order to assess the Complaint, which may be conducted in such manner as determined by the Complaints Manager in their absolute discretion.
- 9.10. This assessment may or may not involve formal interviews and collection of additional evidence at the Complaints Manager(s)' discretion.
- 9.11. The Complaints Manager may, on the basis of the assessment, make findings as to whether the Standard of Proof has been met in respect of the matter.
- 9.12. In conducting assessments, the Complaints Manager will act fairly and provide both the Complainant and the Respondent a reasonable opportunity to be heard.

10.ASSESSMENT FINDINGS AND DETERMINATION

Assessment and Recommendation of Complaints Manager(s)

- 10.1. After conducting their Assessment of a Complaint, the Complaints Manager(s) will make findings as to whether, to the requisite Standard of Proof, the Complaint is substantiated or unable to be substantiated.
- 10.2. The Complaints Manager(s) will then, in their discretion, determine an outcome (in conjunction with the relevant Program Director, as appropriate)



11.RESOLUTION PROCESS

Recommendation

- 11.1 Where the Complaints Manager has, in their discretion, made a determination and arrived at a resolution, all Parties will be notified of this recommendation and outcome. This outcome may include any of the following:
- 11.1.1 The complaint is dismissed and no further action is taken;
 - 11.1.2 Minor misconduct is identified;
 - 11.1.3 Serious misconduct is identified; or
 - 11.1.4 An Alleged Breach(es) is upheld, in which case the matter may be referred to the KDBA Disciplinary Committee for a Sanction and notice of advice to be issued.

12.FINALISING COMPLAINTS

Finalisation of Resolution Process

- 12.1. The Resolution Process will be finalised, and an outcome reached when:
- 12.1.1. the Complaint Manager notifies the relevant parties of the determination;
 - 12.1.1. where the Respondent accepts the sanction or other advised outcome such as a verbal or written warning, or is deemed to have done so; and/or
 - 12.1.2. Disciplinary Committee Hearing - where the parties to the proceeding are notified of the decision and no appeal has been filed.
- 12.2. Once the Resolution Process (including any appeal) under this Policy has concluded, the decision is final and binding on all parties involved and there is no further right of appeal.

Notification of outcome and implementation of Sanction

- 12.3 When a Resolution Process is finalised, the Complaint(s) Manager will:
- 12.3.1 notify the Complainant and Respondent of the outcome in writing; and
 - 12.3.2 take all necessary steps to implement any sanction imposed (if applicable).

Recording Decisions and Outcomes

- 12.4 KDBA shall keep records of all Complaints in a confidential and secure place (which may be electronically), which will include at a minimum a record (including dates, where relevant) of:
- 12.4.1 the Complaint
 - 12.4.2 the Complainant;



- 12.4.3 the Respondent;
- 12.4.4 the Resolution Process;
- 12.4.5 the Outcome; and
- 12.4.6 any sanctions and/or provisional action imposed.

13. DISCLAIMER

This document does not replace the Basketball Australia Complaints Policy. The Basketball Australia Policy applies and overrules this document in any instances.