

COMPLAINTS, DISCIPLINARY & GRIEVANCE POLICIES & PROCEDURES

Complaints Policy

There may be an issue that arises which does not constitute action within the Safeguarding policy, but that is of sufficient concern to warrant action by Basketball Northern Ireland (BNI). For example, a complaint from a parent about the conduct of a volunteer and offensive language, which requires addressing through some sort of formal action. By promoting clarity in terms of processes for dealing with complaints or grievances we believe will enable a transparency that gives confidence in our organisation's commitment to providing quality and safe services.

Disciplinary Policy

We believe that our guidelines in terms of a code of conduct and good practice should dictate appropriate and acceptable behaviour, but without any system of regulating this there is no clarity for staff/volunteers, parents or children about what may happen if they do not follow the guidelines.

Grievance Policy

The purpose of this policy is to ensure that every member has the opportunity to resolve problems in a consistent and fair manner, if in exceptional circumstances the problem has remained unresolved after discussion.

Complaints Procedure

Any member, parent, child or interested party who believes the conduct of another member is contrary to that agreed by the BNI or whose conduct is likely to bring BNI into disrepute, may inform any member of the BNI Board in writing.

It is vitally important to record the details of an allegation or reported incident, regardless of whether or not the concerns are shared with a statutory child protection agency.

An accurate note should be made of:

- date and time of the incident or disclosure
- parties who were involved
- any action taken by the organisation to investigate the matter
- any further action e.g. suspension of a worker
- where relevant, reasons why there is no referral to a statutory agency

The record should be clear and factual as it may be needed by Safeguarding agencies investigating the incident and may, in the future, be used in evidence in court (the organisation should not investigate

the issue if it is a Safeguarding matter). The record will be stored securely and shared only with those who need to know about the incident or allegation. Keeping such a record may also help to protect our organisation.

Consideration has also been given to the Data Protection Act 1998 which requires that personal information is obtained and processed fairly and lawfully; only disclosed in appropriate circumstances; is accurate, relevant and not held for longer than is necessary; and is kept securely. The Act allows for the disclosure without the consent of the subject in certain conditions, including for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders. The need to safeguard children from harm should be considered within these parameters and is also addressed under Article 8 of the European Convention on Human Rights whereby the disclosure of information would usually be for “the protection of health or morals, for the protection of the rights and freedoms of others and for the prevention of disorder or crime.... Disclosure should be appropriate for the purpose and only to the extent necessary to achieve that purpose”

A meeting of the Management Committee shall be held within *seven days* after the complaint has been received. All parties involved will be invited to attend individually to speak to the Management Committee.

The Management Committee shall inform in writing both the member who made the complaint and the member who is the subject of the complaint of their decision within seven days of a decision being made.

Notification of the complaint will be forwarded the Governing Body.

Disciplinary Procedure

Where a complaint is deemed of appropriate severity by the BNI have the right to invoke the disciplinary procedure.

The Management Committee will have the following options at its disposal under the disciplinary procedure:

1. Impose a fine where applicable. The member being fined will be informed in writing of the amount, and the date by which it must be paid. All fines will be paid to the Treasurer. Failure to pay will result in further disciplinary options being invoked.
2. Recommend the member undertakes a period of re-training or re-education if applicable.
3. Impose a period of suspension for a defined period.
4. Terminate the membership of the person as outlined in the constitution.
5. Inform ISA if the reason for the termination was in relation to Safeguarding



During the period of suspension the member is suspended from all activities at or on behalf of his/her basketball club and therefore shall be ineligible to participate as a member of the Club .

The member shall be informed in writing of the reasons for the suspension and the date from which the suspension shall commence. The member may invoke the appeals procedure.

The Management Committee has the power to reinstate the suspended member if the decision of the appeal procedure finds in favour of the member and the Administrative Secretary shall inform the member in writing of the date from which he/she is reinstated.

Notification of the disciplinary action taken and the outcome of any appeal will be forwarded to the BNI. If the disciplinary action is in response to a Safeguarding issue then BNI should consider making a referral to ISA.

Grievance Procedures

BNI seeks to create a working environment that is as harmonious as possible where effective working relationships are maintained.

Eligibility

This policy applies to all the Organisation's members.

Definition of a Grievance:

- A grievance is a complaint made by a member about their treatment at the club or any matter related to the organisation affecting the member.
- A member cannot bring a grievance about a managerial decision, but may do so if they believe that the decision or the process used to reach the decision was incompatible with the Organisation's policies or applied in a discriminatory or unreasonable fashion.
- It is not possible to raise a grievance against an agreed Organisational policy or against a piece of legislation or statutory regulation which the Organisation is required to follow.

Use Of Grievance Policy

The policy is designed to allow an initial informal discussion at which it is hoped the majority of grievances will be settled. Grievances should be resolved as close to the event as possible, to minimise disruption and upset, and where possible resolved informally. If an informal settlement of the grievance is not possible, it will be dealt with under the formal procedure.



If you have a grievance but are uncertain as to what action you might take, or if your grievance involves sensitive issues, you should seek advice from your BNI official.

In the event of any difference arising, which cannot immediately be resolved, then whatever practice or agreement existed prior to the difference shall continue pending a settlement or until the agreed procedure has been exhausted.

Since grievance cases are often complex, guidance notes and procedures to be followed on the use of the procedure have been drawn up to expand on some of the steps in the procedure.

Procedure:

The procedure has been written so that complaints are dealt with through the line management structure. If you wish to make a complaint, you should firstly raise the matter with your line manager/senior coach.

If, however, the complaint is against your line manager/senior coach and you feel unable to raise the complaint with him/her you should raise the matter with your next senior line manager.

Informal Stage

You should inform your line manager that you have a grievance and that you wish to discuss it with him/her. This informal notification should take place as soon as possible and, in normal circumstances, within fifteen working days of the event or circumstance which has given rise to the grievance.

After seeking advice from the BNI official, your line manager will talk to you about your grievance within a further ten working days after receiving the informal notification.

Within five working days of this discussion, you will be advised in a short informal note of any action s/he proposes to take to resolve the grievance.

Formal Stage

If you believe that the grievance has not been satisfactorily resolved at the informal stage then you may submit a written statement of the grievance to your Club Chairperson/ BNI setting out the areas of dissatisfaction with the earlier decision. You should do this within ten working days of receiving your line manager's response.

Your Chairperson will discuss the original grievance with a representative from BNI and will investigate the grounds of the complaint, meeting with witnesses and reviewing all documentation as appropriate.



Your Club Chairperson along with the Governing Body official, will meet with you within fifteen working days of receiving your written statement, to consider the grievance.

S/he will give you their decision in writing within five working days of this meeting.

Appeal

If the response at the end of the formal stage does not satisfactorily resolve the grievance, you may appeal against the decision.

You do this by giving written notification of the reasons for your dissatisfaction to the member of BNI responsible for your function within fifteen working days of receiving the written response.

This notification should be copied to your Club Chairperson. The paperwork from the previous stages will be passed to BNI Chairperson who will decide, after consultation with BNI Regional Board colleagues, which BNI member (or other senior member of staff not previously involved in the grievance) should handle the appeal.

The BNI member (or senior nominee) handling your appeal will arrange a meeting to consider your appeal.

The meeting should be held within twenty working days of the receipt of your written request. The BNI member (or senior nominee) handling your appeal will decide whether or not your grievance has been substantiated and if so what action should be taken. This decision will be communicated to you, in writing, within five working days of the appeal being heard.

Time Limits

Throughout the procedure, there are time limits which must be adhered to. The time limits are upper limits and efforts should be made to deal with matters as quickly as possible. However, in exceptional circumstances, with the agreement of both parties, the time limits may be extended, eg due to the unavoidable absence of key individuals.

For further advice contact:

Sport Dispute Resolution Panel
Francis House
Francis Street
London
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020 7854 8590



