



# Basketball Wales

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## *Complaints Policy & Procedures*

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**Board Review & adoption March 2017**  
**Review Date: March 2020**



## General Statement

Basketball Wales is responsible for setting and maintaining the standards of service delivery to our members, stakeholders and the wider public and is committed to dealing with any complaint equitably, comprehensively and in a timely manner.

## Dealing with General Complaints

The emphasis of the General Complaints Procedures of Basketball Wales will be on the early resolution of problems with a minimum of disruption to members.

- All complaints will be dealt with sympathetically, fairly and honestly.
- Responses to complaints will be as full and detailed as possible.
- If Basketball Wales, its employees, volunteers or usual processes are found to be at fault that will be acknowledged, and the complainant will be informed of any future action to be taken to prevent similar problems occurring again.

### 1. General Complaints

A general complaint that is not linked in any way to an action that might be associated with a criminal, disciplinary, anti-doping or safeguarding offence is defined as:

- an expression of dissatisfaction about an action (or inaction) or decision (or policy) of Basketball Wales as a corporate body, or by one of its employees, or by a Director or other volunteer acting in any capacity on behalf of the Company
- a complaint may initially be made verbally (the complainant will be asked to follow it up in writing in most cases), or in writing, either by letter, fax or e-mail

A person making a complaint is usually referred to as “the complainant”. Complaints can come from any sphere of your activities. They may come from a member, another organisation, a parent/guardian or a member of the public. Irrespective of where the complaint originates this standard process should be used.

### 2. Who will deal with complaints

In all cases the complaint will be directed to the most appropriate person:

Person/body against whom the complaint is made	Initial response	Response to the Complaint	Additional/subsequent response if complaint not satisfied
Basketball Wales	Standard letter, or email confirming receipt of the complaint and name of person to whom the complaint has been referred	Chair	Board Member
Chair		Finance Director	Board Member
Board Member		Chair	Alternative Board Member
Person working on behalf of Basketball Wales in self-employed capacity, or as a volunteer e.g. coach, tournament official, committee member		The member of staff responsible for the relevant area of work e.g. performance, development, events	Chair or other Director with lead responsibility

### 3. Process

All general complaints will be acknowledged in writing by letter or email usually within ~~7~~ 10 days of receipt. The acknowledgement will confirm the person to whom the complaint has been directed and inform the complainant of the procedure that will be followed in dealing with the matter and if possible the likely timescale. A standard initial response format should be used.

The person receiving the complaint will either deal with it themselves or pass it to the appropriate person to deal with, as shown above.

The person dealing with the complaint will:

- Determine the facts of the matter as required, the actions to determine the facts will vary on a case by case basis

- Keep the complainant informed of progress about their complaint, particularly important if there is likely to be a delay in answering the complaint for any reason
- Write to the complainant answering their concerns and giving explanation(s) where appropriate within 3 months unless a longer period is required to obtain information

If the complainant is not satisfied with the response the person who has dealt with the complaint will endeavour to resolve any further issues raised and will respond again in writing.

If the complainant is still not satisfied the complaint will be referred to the subsequent responder as indicated in the table or their equivalent. Any subsequent correspondence will be dealt with within the same timescales.

Basketball Wales should not enter lengthy and extended correspondence with the complainant once the original complaint and any subsequent substantive issues have been answered and/or resolved as far as Basketball Wales is concerned. The Chair should bring the matter to a close, in the most amicable way possible, if they believe that nothing will be gained by either party through continuance of the discussions.

It is good practice to keep a record of all complaints received as this may show a pattern either about a person or a way your NGB is working. If this is the case, then a further action or a change in policy may be necessary.

#### **4. Unreasonably Persistent or Vexatious Complaints**

Basketball Wales does not expect employees or key volunteers to tolerate unacceptable behaviour by complainants at any time during the general complaints procedure. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include

- Using abusive or inappropriate language on the telephone or face to face
- Sending multiple emails
- Leaving multiple voicemails

Raising legitimate queries or criticisms of a complaints procedure as it progresses, e.g. if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

Basketball Wales will act to protect employees and key volunteers from inappropriate behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, this procedure will be followed. Basketball Wales defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of the complaints, they hinder the work of the organisation.

The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a complainant. Examples include the way or frequency that complainants raise their complaint with employees or how complainants respond when informed of a decision about their complaint. Features of an unreasonably persistent and/or vexatious complainant include the following and may result from a combination of some or all these features (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the general complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refusal to accept that issues are not within the power of Basketball Wales to investigate, change or influence (examples could be a complaint about Sport Wales, or something that is the responsibility of another organisation)

- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the person dealing with the complaints and seek them dismissed or replaced
- make an unreasonable number of contacts by any means in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- raise numerous subsidiaries or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be considered and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- adopt an excessively 'scattergun' approach, e.g. pursuing a complaint or complaints not only with Basketball Wales, but at the same time with Sport Wales, the Welsh Government, a Member of Parliament, their local council, elected councillors, the police, solicitors and/or any other body
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach Basketball Wales through different routes about the same issue
- persist in seeking an outcome which has been explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on a historic and irreversible decision or incident.

If it is suggested that a complainant is acting in an unreasonably persistent or vexatious way the Chair will ensure that the complaint is being, or has been, investigated properly according to the complaints procedure before any further action is taken.

The Chair will contact the complainant either by telephone, in writing or by email to explain why their behaviour is causing concern and ask them to change this behaviour.

The Chair will explain the actions that Basketball Wales may take if the behaviour does not change. If the disruptive behaviour continues, the Chair will issue a reminder letter to the complainant advising them that the way in which they will be dealt with by Basketball Wales in future will be restricted. The Chair will make this decision following consultation with the Chair and inform the complainant in writing of what measures have been put in place and for what period.

Any restriction that is imposed on the complainant's contact will be appropriate and proportionate and the complainant will be advised of the period the restriction will cover. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- prohibiting the complainant from making contact by telephone except through a third party acting on their behalf
- prohibiting the complainant from sending emails to individual and/or all employees and insisting they only correspond by letter
- requiring contact to take place with one named member of staff only
- restricting telephone calls to specified days / times / duration
- requiring any face to face contact to take place in the presence of an appropriate witness
- letting the complainant know that Basketball Wales will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)

When the decision has been taken to apply this policy to a complainant, the Chair will contact the complainant in writing (and/or as appropriate) to explain:

- why Basketball Wales has taken the decision
- what action(s) are being taken
- the duration of that action
- the review process of this policy and
- the right of the complainant to contact the Board of Directors about the fact that they have been treated as a vexatious/persistent complainant

Where the behaviour is so extreme, or it threatens the immediate safety and welfare of staff and/or volunteers Basketball Wales will consider other options e.g. reporting the matter to the police or taking legal action. In such cases, Basketball Wales may not give the complainant warning of that action.

In every case, full and complete records of all decisions and actions will be maintained in line with the Basketball Wales Data Retention procedures or equivalent.