



# CLUB RESPONSIBILITY -

## SPECTATOR BEHAVIOUR & DUE DILIGENCE EXPLAINED

### CLUB RESPONSIBILITY

Basketball England only has jurisdiction over participants. This means individuals can only be charged for disciplinary offences if they are participants in basketball, for example coaches, referees, players, and club officials. Spectators are not classed as participants so they cannot be charged, and if spectators misbehave the Club may be charged for failure to control spectators.

### WHAT IS DUE DILIGENCE?

If a Club is charged for failure to control spectators, it can be a defence against the charge if the Club can demonstrate 'due diligence' - this means the Club took all reasonable steps to prevent and respond to incidents of misconduct by its spectators.

If a Club is charged and wants to rely on due diligence as a defence, it is the responsibility of the Club to demonstrate the steps taken, and ultimately it will be for the Disciplinary Commission to decide if the defence is applicable.

### WHAT DOES DUE DILIGENCE LOOK LIKE?

Examples of preventative steps that a Club may take could include:

- Parents/carers and spectators signing codes of conduct
- Displaying posters around a venue relating to expected behaviour
- Regular reminders to spectators and parents/carers of expected behaviour, either via electronic means or in person

Clubs should already be taking steps to reinforce the positive playing environment expected in Basketball. Remember, the Club will need to provide evidence of their actions to rely on a defence of due diligence, so it is strongly advised to keep records of steps taken. For example, keep copies of the signed codes of conduct on file, as well as copies of email reminders about expected behaviour.

Due diligence will require the Club to be proactive, so it won't be enough to show these steps have been taken after an incident has occurred (although that will be viewed positively).

As well as the proactive steps above, a due diligence defence will also require a positive reaction to be demonstrated following an incident.

Examples of responsive steps that a Club may take could include:

- Immediately removing the spectator(s) concerned if they can be or have been identified
- Monitoring closely the ongoing behaviour if the spectator(s) has not been identified
- Co-operating fully with any investigation by BE or appropriate authorities

- Working to identify the spectator(s) concerned, and taking appropriate steps to address the behaviour with the spectator(s). This may be education around the behaviour, or for more serious incidents imposing a suspension on that spectator attending matches.

Again, the Club need to be able to provide evidence that these steps have been taken.

### **HAVE WE DONE ENOUGH?**

It will be for a Disciplinary Commission to decide if the threshold for demonstrating due diligence has been met. It will depend on the incident that has occurred, and how this relates to the steps taken by the Club. Some actions may be relevant for demonstrating an attempt to prevent certain behaviours, but not others. Each case will be considered individually and on its own merits so there is no definitive guidance that can be provided.