



**BASKETBALL ENGLAND**

**VEXATIOUS COMPLAINTS &  
UNACCEPTABLE  
BEHAVIOUR POLICY**

**DATED: 10 MARCH 2025**

## 1. INTRODUCTION

- 1.1 Basketball England (a company limited by guarantee, incorporated and registered in England and Wales with company number 01429756 whose registered office is at Etihad Campus Rowsley Street, Gate 13, Manchester, England, M11 3FF) is the national governing body (“NGB”) responsible for the governance and regulation within its jurisdiction of all disciplines of the sport of basketball in England (including 5v5, 3x3, disability basketball and walking basketball) (“**Basketball**”).
- 1.2 Basketball England has an ongoing duty of care to all who participate in Basketball and are engaged by Basketball England, to ensure they have a safe, enjoyable, and positive experience.
- 1.3 This Policy describes how Basketball England identifies Vexatious Complainants and unacceptable behaviour, and the actions Basketball England will take to deal with such matters. Basketball England is committed to dealing with all Complainants and complaints in a fair, non-discriminatory, comprehensive, and timely manner.
- 1.4 This Policy is intended for use as a last resort and after reasonable measures have been taken to try to resolve a complaint in accordance with the Basketball England Complaints Procedure as in place from time to time) or to address unacceptable behaviour, either informally or through the usual and appropriate procedures.
- 1.5 Basketball England undertakes to make available (on request) electronic copies of this Policy as amended from time to time. Electronic copies of this Policy are available on the Basketball England website (the “**Website**”). The Website will also contain contact details in the event that (i) any person is unable to download this, Policy; and/or (ii) any person requires this Policy in another form, for example, large print. All requests will be considered on their merits on a case-by-case basis. In circumstances where an individual has been classified as having an intellectual impairment, Basketball England shall use all reasonable endeavours to communicate the contents of this Policy to such individual in the most appropriate manner and form in liaison with the parent of, or other person with parental responsibility for such individual.

## 2. DEFINITIONS AND INTERPRETATION

- 2.1 The following terms have the following meanings:

<b>Applicable Laws</b>	all laws, statutes, regulations, decisions, rulings, directives, codes of practice, government policies, enactments, or instruments (including national, regional, local, or principal laws, regulations or by-laws of any kind whatsoever) relevant to this Policy;
<b>Board Director</b>	a director of Basketball England’s board;
<b>Complainant(s)</b>	individuals who raise a complaint;
<b>Data Protection Legislation</b>	all applicable laws relating to data protection, the processing of personal data and privacy, including: the Data Protection Act 2018, UK General Protection Regulation (UK GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any other data

protection and/or privacy legislation applicable in the UK from time to time, (each as amended, updated, replaced or re-enacted from time to time and including all subordinate legislation made from time to time under or giving effect to the same) and references to “Controller”, “Personal Data”, “process”, “Processing”, “Special Category Personal Information”, “criminal convictions” have the meaning set out in, and will be interpreted in accordance with, such applicable laws;

**High Profile Individual**

Basketball England athletes, former athletes, Basketball England "legends", Members, Board Directors, senior leadership team, senior executives, and those with associated and/or engaged by Basketball England who are well known in the public domain and have “celebrity” status;

**Member**

a member of Basketball England;

**Staff**

any person acting for or on behalf of Basketball England in an official role whether as an employee, volunteer, casual workers or staff, consultant or otherwise;

**Unacceptable Behaviour**

behaviour (which may involve actions, omissions, words, or communications - this includes threatening emails, telephone calls, meetings, and comments on social media or elsewhere) which cause or may cause distress or discomfort to another person. This may include, (without limitation), behaviour which is abusive, aggressive, degrading, derogatory, humiliating, insulting, or threatening as well as inappropriate humour, innuendos or malicious allegations;

**Vexatious Complainant(s)**

individuals who directly or indirectly raise a complaint without grounds and with little merit or substance and with the intention or effect of causing annoyance or disruption; or directly or indirectly is pursuing a complaint to an unreasonable degree or after appropriate procedures have been followed and exhausted.

**3. APPLICATION OF THIS POLICY**

3.1 This Policy shall apply to:

3.1.1 Board Directors;

3.1.2 Members; and

3.1.3 Staff.

#### **4. POWER TO CHANGE, RESCIND OR ADD TO THE PROVISIONS OF THIS POLICY**

4.1 In the event an issue arises that is not foreseen in this Policy, it will be addressed by Basketball England in a manner that protects and promotes the objectives identified in this Policy.

4.2 Basketball England is committed to reviewing this Policy periodically which may be amended from time to time by Basketball England.

#### **5. LAWS**

5.1 The laws of England and Wales shall apply to this Policy.

#### **6. MEMBER SUPPORT**

6.1 Parents, or other persons with parental responsibility for Members aged under 18 (“**Minor**”) understand and agree, in respect of the Minor for which they have legal responsibility, for the Minor as a Member to be bound by all aspects of this Policy.

6.2 Any individual seeking information on the application of this Policy should contact Basketball England for assistance.

#### **7. IDENTIFYING A VEXATIOUS COMPLAINANT AND/OR UNACCEPTABLE BEHAVIOUR**

7.1 Occasionally Complainants may focus on their own concerns to the extent that persistent and Vexatious Complaints can place a strain on time and resources of Staff who have to deal with them.

7.2 All Staff are expected to deal with Complainants respectfully and in a professional manner, however there are times when nothing more can reasonably be done to address a real or perceived concern.

7.3 Basketball England does not expect Staff to tolerate Vexatious Complainants and/or Unacceptable Behaviour. Where these circumstances arise, Staff will take the following steps:

7.3.1 ask the Complainant to modify their behaviour and explain why;

7.3.2 if the behaviour continues to be unacceptable, Staff will remove themselves from the situation as follows:

7.3.2.1 if the communication is by telephone, the caller will be told that the call will be ended; or

7.3.2.2 if the communication is written, Staff shall not reply. Basketball England will only review these communications to ensure no new issues have been raised; or

7.3.2.3 leave site immediately.

7.3.3 Staff shall keep a record of the incident and refer the matter in accordance with Clause 9 of this Policy.

## **8. EXAMPLES OF A VEXATIOUS COMPLAINANT AND/OR UNACCEPTABLE BEHAVIOUR**

8.1 Examples of a Vexatious Complainant and/or Unacceptable Behaviour include the following and may result from a combination of some or all of these features (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be identified as vexatious):

- 8.1.1 persisting in the pursuit of a complaint after Basketball England's appropriate procedures have been fully and properly implemented and exhausted;
- 8.1.2 failing to clearly identify the precise grounds of a complaint, despite offers of assistance;
- 8.1.3 making or leaving multiple telephone calls, voicemails, emails or text messages, especially over a short period of time;
- 8.1.4 refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- 8.1.5 refusing to follow the correct procedure at the correct level, for example not exhausting a club's procedures before escalating to Basketball England;
- 8.1.6 refusing to accept that issues are not within the power of Basketball England to investigate, change or influence;
- 8.1.7 insistence on the complaint being dealt with in ways which are incompatible with Basketball England's rules and regulations or with good practice (e.g. insisting that Basketball England does not make any written record of the complaint or record calls);
- 8.1.8 making what appear to be groundless complaints about the person(s) dealing with the complaint(s) and seeking to have them dismissed or replaced;
- 8.1.9 making an unreasonable number of contacts by any means in relation to a specific complaint or complaints;
- 8.1.10 making persistent and unreasonable demands or expectations of Staff, Board Directors and/or the complaints process after the unreasonableness has been explained to the Complainant;
- 8.1.11 making excessive demands on time and resources. For example, continual or repeated contact with Staff and Board Directors during the investigation process and expecting immediate responses;
- 8.1.12 making persistent, unreasonable and/or excessive demands for the disclosure of information / data which the person is not entitled to and/or which such disclosure would amount to a breach of Data Protection Legislation;
- 8.1.13 using abusive behaviour or language, either verbally or in writing (including emails, telephone calls, text messages, meetings, and comments on social media or elsewhere);

- 8.1.14 spreading information about Basketball England, its Board Directors, High Profile Individuals, Members and/or Staff that the person knows or should reasonably be aware is false or misleading;
  - 8.1.15 changing the substance of a complaint or introducing new issues without good cause or supporting evidence;
  - 8.1.16 making further associated complaints or including further information which amounts to minor variations to an earlier complaint that has already been determined;
  - 8.1.17 introducing trivial or irrelevant information which the complainant expects to be taken into account and responded to or raising a large number of detailed but unimportant questions, insisting that they are fully answered;
  - 8.1.18 refusing to accept the outcome of a complaint after its conclusion in accordance with the Basketball England's rules and regulations for dealing with such a complaint and attempting to escalate it; and
  - 8.1.19 any behaviour which Basketball England reasonably concludes to be vexatious or unacceptable.
- 8.2 Where a Complainant is raising a legitimate query or criticism of a complaints procedure as it progresses, such as time scales not being met, this would not normally, on its own, be regarded as vexatious or unacceptable.

## **9. PROCESS FOR DECLARING A COMPLAINT TO BE VEXATIOUS OR BEHAVIOUR TO BE UNACCEPTABLE**

- 9.1 Where a member of Staff, considers a Complainant to be vexatious or behaviour to be unacceptable, the matter will be referred to the Head of HR and the Head of Integrity.
- 9.2 Where the complaint relates to the a senior member of staff the matter shall be referred to the Chief Executive of Basketball England.
- 9.3 Where the complaint relates to the Chief Executive, the matter shall be referred to the Board, which shall appoint a Board Director to deal with the complaint.
- 9.4 All relevant evidence shall be considered when determining whether the complaint comes within the definition of a Vexatious Complaint.
- 9.5 Complainants will be referred to the Police where a criminal offence has been threatened or committed.
- 9.6 Where it is determined that the complaint is a Vexatious Complaint (and it does not require referral to the Police), the Complainant will be contacted in writing to try to seek to remedy the situation informally. The Complainant will be advised that this Policy has been invoked and of the possibility of sanctions being applied.
- 9.7 Where an informal remedy is not achievable, a determination as to whether the Complainant's continued conduct is such that sanctions pursuant to this Policy are necessary will be made. In reaching that decision, the following shall be considered:
  - 9.7.1 seeking support from Board Directors whilst finalising the decision;
  - 9.7.2 the nature of the Complainant's complaint or behaviour;

- 9.7.3 the history of the matter;
  - 9.7.4 the Complainant's history and involvement with Basketball England (including their disciplinary record);
  - 9.7.5 the impact of the Complainant's behaviour on the health, safety and welfare of Board Directors, Members, Staff and/or relevant third parties; and
  - 9.7.6 any other information that is considered to be relevant.
- 9.8 Once the considerations detailed in Clause 9.7 have been undertaken, the following actions shall be taken:
- 9.8.1 record the decision in writing giving brief reasons; and
  - 9.8.2 contact the Complainant in writing to inform them that a decision has been reached in accordance with this Policy.
- 9.9 Where a Complaint requires communications to be sent in other formats, Basketball England will take reasonable steps to accommodate any reasonable adjustments and provide such assistance as the Complainant may reasonably require. Once a preferred method of communication is established, it shall be adopted for the entirety of the process.

## 10. **SANCTIONS**

- 10.1 Basketball England may impose such sanctions as it considers appropriate, taking in to account the facts of each individual case, including, without limitation:
- 10.1.1 requiring the Complainant to communicate with Basketball England via one method of communication (for example, telephone, letter, email);
  - 10.1.2 requiring the Complainant to communicate with Basketball England via one designated individual;
  - 10.1.3 requiring any face-to-face contact to take place in the presence of an appropriate Basketball England witness;
  - 10.1.4 require all communications to be recorded;
  - 10.1.5 refusing to process further complaints about the same matter;
  - 10.1.6 refusing to engage with the Complainant for a specified period of time;
  - 10.1.7 cease all communication with the Complainant;
  - 10.1.8 suspension of the Complainant's Basketball England membership;
  - 10.1.9 refusing admission or renewal of Basketball England membership;
  - 10.1.10 expulsion from Basketball England membership;
  - 10.1.11 exclusion from competition under the auspices of Basketball England;
  - 10.1.12 any other sanction which Basketball England considers to be appropriate in the circumstances.

- 10.2 Within 7-days of making the decision, the Complainant will be notified of:
- 10.2.1 any sanction imposed;
  - 10.2.2 the reasons why; and
  - 10.2.3 the duration of any restrictions or sanctions and the timing of any proposed review.
- 10.3 The decision shall be final and binding.
- 10.4 Basketball England agrees that in any case where the Vexatious Complainant is recognised as having an intellectual impairment, in determining whether or not it imposes any sanction and, if so, what that sanction should be, Basketball England shall reasonably consider and take into account the nature and effect of the impairment. Basketball England will in good faith hear reasonable representations relating to this.