



Founded 1879

Derby Rowing Club

Darley Grove, Derby DE1 3AY

www.derbyrowingclub.net

Derby Rowing Complaints and Disciplinary Policy

1. Introduction

Derby Rowing Club (DRC) is run by volunteer members, who give their time freely to further the aims of the club. Occasionally situations occur where members (either individuals or groups of members) and non-members associated with the club, are perceived to have behaved inconsiderately, inappropriately or in a way that is considered to be poor practice and contrary to standards prescribed in the club's Codes of Conduct, Policies, Rules or Constitution. Therefore, it is necessary for the club to set out clear procedures for members and non-members (to include organisations and members of the public) to be able to put forward their grievances to the club and to know that their issues shall be dealt with swiftly and fairly in order to achieve a resolution.

2. Aim of this policy

This policy sets out the club's procedures for dealing with minor and formal complaints between members and non-members.

Complaints made by a member or non-member about the club or a club official shall follow the procedures for investigation set out in accordance with the club's constitution.

Complaints made by a member or members about an occurrence of bullying shall follow the procedures for investigation set out in this policy

All complaints requiring disciplinary action shall follow the procedures in this policy.

The club shall ensure that any Committee member that has a direct interest in the outcome of a complaint, or is implicated in any way in the complaint, shall not take part in the complaints process.

3. Definitions

- Minor complaint – a dispute about behaviour or practice resulting in some resentment, or hindrance to the complainant's enjoyment of the sport.
- Formal complaint – an allegation of abuse or poor practice that causes distress or a risk of harm to the complainant or another member or non-member of the club. A formal complaint may also result from the accumulation of a series of minor complaints relating to an individual member or non-member.

- Misconduct – unacceptable or inappropriate behaviour, or poor practice contrary to the club's Codes of Conduct, Policies, Rules or Constitution.
- Disciplinary action – misconduct may result in the member being required to take corrective measures, being suspended or expelled from the club.

4. Minor complaints

The club expects members to attempt to settle minor disputes between themselves. The aim of this shall be to resolve the situation at a level where for example a simple apology and agreement not to repeat an action may be sufficient. This could take place without the need of the involvement of others and would not give rise to disciplinary action.

There may be situations where the complaint is minor, but requires other considerations to be taken into account or others to be involved, such as:

- i. situations involving a junior below the age of 18 years or Adult at Risk the advice of the Club Welfare Officer (CWO) will be sought, and a parent/carer/responsible adult will be involved in any written communication or meetings. Dated notes shall be taken as a record of what was discussed and what outcomes are expected.
- ii. situations where the complainant is a coach or club official, the club shall expect them to try and resolve issues sensitively and appropriately with the member involved, whereby measurable targets for improvement shall be set. Warnings may be given that sanctions shall be made if the cause of the complaint is repeated.
- iii. situations where a member has acted in a way that compromises the health and safety of other members, a club official shall discuss the situation with that member as soon as is practically possible. If the club official considers that the member acted without reasonable care, the club official may raise their concern as a formal complaint under the guidelines set out in Section 5.
- iv. situations where the coach is the subject of a complaint, the complainant can seek the assistance of a club official to help facilitate a resolution.
- v. situations where the parties involved cannot reach a resolution, or one party rejects a resolution, then members can seek the assistance of a club official to help facilitate a resolution.

5. Formal complaints

In accordance with the club Constitution (point 22) any person [whether a member or not] with a serious complaint about a member shall deliver the complaint in writing or in an email to the President. If the subject of the complaint is the President, then the remainder of the club Committee shall elect someone else to take their place.

Members or non-members may complain about any action of another member that they believe is contrary to the club's Codes of Conduct, Policies, Rules and Constitution.

6. Process of dealing with a complaint

The club shall deal with complaints by following the standard procedure outlined below:

Upon receipt of a complaint the President shall acknowledge receipt of the complaint as soon as is practically possible and shall inform those involved about how the complaint shall be dealt with. (See steps 1 and 2 below).

If the complaint involves either a junior member below the age of 18 years or and Adult at Risk, the CWO and the parent/carer/responsible adult will be informed and invited to attend any meetings that shall take place. Depending on the nature of the complaint, the CWO may refer the matter to British Rowing.

Where necessary to protect the interests of the child or Adult at Risk, and following advice from British Rowing, serious issues shall be reported to an appropriate authority, e.g. if there is a reasonable suspicion that a criminal offence has occurred, the issue shall be reported to the Police.

Information for those against whom a complaint has been made can be found on British Rowing's website, under Welfare Guidance WG. 1.10 'Information for those against whom a complaint of poor practice or an allegation of abuse has been made'.

Step 1. Informal Discussion - the President shall facilitate a meeting or discussions between the parties to seek a resolution with actionable outcomes. If either party is unwilling to engage in such a process, is unsatisfied by the outcome or a resolution cannot be achieved then the process shall move to Step 2.

Step 2. Formal complaint – If a formal complaint is to be made an official complaint form must be completed that includes a statement and details of at least one credible witness to corroborate the complaint. (Appendix A). The credible witness must complete a statement in writing supporting the complaint. A verbal account will not be sufficient. Both statements must be signed.

If the complainant has instigated or is in the process of instigating or are considering instigating legal proceedings either in a Criminal or Civil Court in connection with this complaint then the Complaint will not be investigated Internally by the Club until the outcome of such legal action is known. Failure by the complainant to disclose such information to the Club or any attempt to hide or mislead the Club on this issue will immediately nullify the internal investigation.

In the interest of Natural Justice a copy of the complaint, the complainant's statement and the witness statement will be given to the

person(s) subject of your complaint. If on receipt of that documentation the subject of the complaint decides to instigate or considers instigating legal proceedings either in a Criminal or Civil court in connection with this complaint, then the complaint will not be investigated until the outcome of such legal proceedings is known.

All complaints must be submitted as soon as possible.

If at any stage a complaint is withdrawn it must be in writing and once withdrawn the complaint will not be investigated further even if the complainant changes their mind after submission of the withdrawal of complaint statement.

Once a complaint has been submitted the matter will be investigated by quorate Club Committee and the WO if appropriate who will be independent to all parties concerned. All submitted paperwork will be scrutinised and using the legal premises adopted by Civil Courts a decision will be made on the balance of probability and preponderance of evidence rather than beyond reasonable doubt used in Criminal Courts.

7. Outcome

You will be notified of the outcome of the Internal Enquiry as soon as possible. Time will vary depending upon the nature of the complaint and the number of persons involved and the availability of the investigating person or persons.

You have the right of appeal against the findings submitted by the appointed person or person(s). You have a maximum of 7 days from receipt of the findings to submit in writing to the President the reasons for your appeal.

An appeals panel of not less than 3 independently appointed members will review your complaint and appeal and notify you of their decision as soon as possible. Their decision is final there are no further appeal processes under the Club Procedures.

You are of course at liberty to write to BR for any further considerations concerning your complaint.

8. Complaint Hearing Committee

This shall comprise a quorate Club Committee and the WO if appropriate. At a minimum it should comprise a chairman and two independent members one of whom may have relevant 'expert' knowledge. All panel members must be independent of the dispute.

If there are good reasons why a joint meeting of both parties cannot be achieved then it shall be permissible for the Committee to take depositions from both sides. Both the complainant and the subject of the complaint may bring one other person with them as support. Should either party refuse to take part, the Committee may hear the complaint without them present.

The quorate Committee shall decide to uphold or reject the complaint. If the complaint is rejected, then this decision shall be deemed to be final. If the complaint is upheld and the subject of the complaint is adjudged to be guilty of misconduct then the Committee shall proceed to Disciplinary Measures.

9. Disciplinary Measures

The quorate Committee of the club shall decide on the appropriate measures to apply. These may involve any of the following:

- i. giving the subject of the complaint a period of time in which to demonstrate that they have corrected their behaviour.
- ii. asking the subject of the complaint to sign a written agreement refraining from a repeat of the cause of the complaint.
- iii. enforcing a ban or restriction on the subject of a complaint in relation to a specified activity.
- iv. suspending the membership of the subject of a complaint for a specified length of time.
- v. in cases of serious misconduct, repeated misconduct or serious breaches of the club's Codes of Conduct, Policies, Rules or Constitution, the subject of the complaint may be expelled from the club.
- vi. In serious cases of misconduct involving a junior below the age of 18 years or an Adult at Risk the matter may be referred to British Rowing to follow procedures outlined in their Welfare Guidance WG 1.7 'Complaints and Disciplinary Procedures'.

10. Appeals Procedure

If either party wishes to appeal against the outcome of the hearing they should set out the grounds on which they wish to appeal in writing. This letter should be sent to the President within 14 days of the outcome of the initial hearing being known.

An appeal should be granted where there is a "strong arguable case" that either:-

- relevant information was ignored or not considered by the original panel; or
- the grievance procedure was tainted by unreasonable bias or conflict of interests; or
- the provisions of the Organisation's grievance procedure or these guidelines were not adhered to; or
- the original panel exceeded its jurisdiction; or
- the findings of the original panel were irrational or wrong in law.

If an appeal is granted, the Club must appoint an independent appeal panel to consider the appeal, none of whom have had any prior involvement in the matter. The appeal panel should be constituted along the same principles as the hearings panel outlined above. The

chairman of the appeals panel should convene a hearing of the appeals panel in a timely manner and, in consultation with the other panel members, will decide the conduct of the proceedings. If appropriate he may request written submissions and the appeals panel may or may not request the parties to be attend in person or by telephone.

The appellant has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with an appeal. The Club should ensure that the appellant is aware of this right prior to any such hearing or meeting.

Discussions should be well recorded in writing.

The outcome and sufficient reason to explain the outcome of the appeal panel should be communicated to both parties within 14 days of the appeal panel hearing.

The outcome of the appeal will be final.

11. Record of complaints heard

The meeting(s) shall be minuted, and the minutes shall be shared with the complainant, the subject of the complaint and the club Committee. All recipients of the minutes shall be expected to keep them private and confidential. A record of all complaints made shall be kept for five years, with copies to be held by the Secretary, and these are to be passed on to subsequent holders of the post.

12. Malicious Vicarious complaints

If a member makes repeated complaints, which are considered to be without merit, then the Committee may decide to take action against that member, which may include any of the following:

- Removal of the right to contest the decisions of the Chairman
- Suspension of membership
- Removal of membership

13. Rejecting complaints

In circumstances where the President considers that a complaint merits no further action, either because there is little or no substance to the complaint or because the issue is not serious enough, then they may reject the complaint. Rejections shall be given in writing, so that there is no doubt about why the complaint is being rejected.

Date issued and approved by the committee: July 2018

Review date: July 2021

Derby Rowing Club Complaint Form

Appendix A - Derby Rowing Club Complaint form

Please print your answers to the below questions

Name:

Name of the person(s) subject of your complaint:

Date of the Incident:

Nature of your Complaint:
(Rudeness, Threats, Swearing, Bullying Etc.)

Name of your Witness:

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Statement of Complainant

Please write your statement in Capital letters and sign and date immediately after completion

Name:

Signed

Date

Derby Rowing Club Complaint Form

Witness Statement Sheet

Please write your statement in Capital Letters and sign and date immediately after completion

Name:

Signed

Date

Please read the below document before you complete the Complaint Form.

In order to standardise the recording and investigation of Internal Complaints a new procedure and form(s) have been introduced for you to complete. Please take the time to read the below Terms and Conditions concerning the Complaint Investigation Procedure as you will be required to sign that you have read, understood and agree to be bound by those conditions. Any breach of the Terms and Conditions then your complaint will not be investigated.

Terms and Conditions

An internal Club Complaint (one which is not being investigated by an outside agency such as the Police or Social Services or Inland Revenue, etc.) will only be investigated if it has been made on the Official Club Form.

Only one form for each complaint please. If you have more than one complaint then you must submit another complaint form and statement.

All of the questions and Statements must be answered and completed. The Complaint will not be investigated if this has not been done.

All of the answers and Statements must be written in Capital Letters so that they are legible and on completion the statements must be signed and dated.

You must provide details of at least one credible witness to corroborate your complaint. If you have no credible witness then your complaint will not be investigated.

Your credible witness must complete a statement in writing supporting your complaint. A verbal account will not be sufficient.

In the interest of Natural Justice a copy of your complaint, your statement and your witnesses' statement will be given to the person(s) subject of your complaint.

All complaints must be submitted as soon as possible.

Those members aged under 18 or are Vulnerable Adults must have their Parent or Guardian countersign their complaint and all other written statements.

In the case of a Malicious Complaint being made then the Investigation will be nullified and further action taken against the person submitting a malicious complaint.

If at any stage you withdraw your complaint this must be in writing and once withdrawn the complaint will not be investigated further even if you change your mind after submission of the withdrawal of complaint statement.

Once you have submitted your complaint the matter will be investigated by a person or persons appointed by the Club who will be independent to all

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parties concerned. All submitted paperwork will be scrutinised and using the legal premises adopted by Civil Courts a decision will be made on the balance of probability and preponderance of evidence rather than beyond reasonable doubt used in Criminal Courts.

You will be notified of the outcome of the Internal Enquiry as soon as possible. Time will vary depending upon the nature of the complaint and the number of persons involved and the availability of the investigating person or persons.

You have the right of appeal against the findings submitted by the appointed person or person(s). You have a maximum of 7 days from receipt of the findings to submit in writing to President the reasons for your appeal.

An appeals panel of not less than 3 independently appointed members will review your complaint and appeal and notify you of their decision as soon as possible. Their decision is final there are no further appeal processes under the Club Procedures.

You are of course at liberty to write to British Rowing for any further considerations concerning your complaint.

Please read and sign and date the below

I have read the above Terms and Conditions and I understand and agree that those Terms and Conditions are binding on me.

Defendants Statement

Please write in Capital Letters and sign and date upon completion

Name: