

WINDERMERE ROWING CLUB

GRIEVANCE & DISCIPLINARY PROCEDURE

Adopted December 2020



1. SCOPE and PRINCIPLES

The Club's aim is to maintain a high standard of conduct amongst all its members.

This procedure applies to all Windermere Rowing Club (WRC) members and does not cover complaints made against the club from third parties who should address their complaint to the Club Secretary, who will bring the matter to the attention of the Club Committee.

Minor complaints should be addressed to the Club Captain, Committee Member as appropriate or to the Welfare Officer who will take any necessary action. It is expected that all matters will be resolved in a fair, effective and timely manner informally outside of this policies procedure.

In cases of minor breaches of Club Rules and Conduct relating to attitude, improper or unsatisfactory care of club equipment, coaches, other more experienced Club Members and Club Officers should take the time to nurture an individuals' behaviour through informal discussions and education, and make every effort to do this. Only where there are sustained and repeated breaches should this procedure be implemented.

The following procedures are for formal complaints and serious disciplinary matters.

The principles used by the club in dealing with formal complaints and when addressing disciplinary matters are as follows:

- all parties being dealt with fairly
- matters will be dealt with confidentially
- the complainant having the opportunity to present the case
- the accused having the opportunity to respond
- matters should be dealt with in a timely manner
- that there will be a right of appeal,
- and a right to be accompanied

2. GRIEVANCE PROCEDURE

Making a Formal Complaint

Any grievance (issue, complaint, dispute, concern or problem) by a member that cannot be resolved informally or by the Welfare Officer shall be made to the Club Captain, generally within 28 days after the incident to which the complainant refers. (Exceptions would be at the discretion of the Club Captain).

A Complainant must, when submitting the Grievance, provide:

- All relevant information and documents relating to the Grievance;
- The basis for the Grievance;
- An explanation of all steps taken by the Complainant to resolve the Grievance;
- A statement of the remedy that the Complainant seeks to resolve the Grievance.

To assist with the process a Grievance form can be downloaded from the Windermere Rowing Club website.

If the Club Captain is unavailable, then the complaint should be referred to the Chairman or Vice-Chairman. If the complaint is about the Club Captain, then the complaint should be referred to the Chairman.

If the complaint is made against another member, the Secretary must inform the member of the complaint as soon as possible and preferably within 7 days of receipt of the complaint.

If the complaint appears to be of a serious nature regarding another member the Club Captain may temporarily suspend the member concerned (subject to confirmation by the Club Committee).

The complaint will be progressed to the Investigation Stage, except that when the Club Captain, after consulting with members of the Committee, considers that a member has contravened the Club's rules or Code of Conduct, or who is deemed to have brought the sport or the Club into disrepute, such that a direct reference to a disciplinary hearing is appropriate, the matter will progress directly to Disciplinary Procedure stage (see Section 3 below).

Investigation

The purpose of the Investigation is to establish the facts and to advise the club as to whether the matter can best be resolved informally including through mediation (see Section 5: Mediation) and agreement between the parties.

The Club Captain or other Club Officer progressing the complaint will appoint an Independent Person as Investigating Officer (IO) who may, or may not, be a member of the Club and have experience of such matters e.g. Legal knowledge, HR professional etc.

The appointed IO will have ideally no or limited knowledge of the issue at hand, and not be closely connected with either party in any way e.g. not a fellow squad member, or a relative.

The IO has the power to initiate full investigation including gathering information or requesting reports or statements. The aim should be to ensure that every effort is made to resolve the matter by investigation and, where appropriate, mediation. Any person whom the IO talks to in relation to their investigation has the right to be accompanied by a friend or relative who may act in a supportive capacity only. The support person can ask questions regarding the investigation but may not answer on the behalf of the person being questioned.

The IO will endeavour to:

- Establish **what** has happened so far, and **who** has been involved;
- Clarify the nature of the complaint, and what remains unresolved;
- Meet with the complainant or speak to them by telephone;
- Clarify what the complainant feels would put things right;

- Speak to those involved in the matter, and those complained of, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Keep notes of the interview and of all discussions/meetings including telephone calls, particularly at the formal stages;
- Independently minute interviews and Panel Meetings;
- Identify areas of agreement between the parties;
- Clarify any misunderstandings that might have occurred on both sides;
- Ensure that a focus on the **original complaint** is maintained, as stated on the Grievance Form provided by the complainant(s).

The IO may dismiss the complaint if there has been a minor breach or if the grievance:

- has insufficient evidence to support the allegation;
- does not raise any serious or material issues;
- is malicious or vexatious or otherwise without merit;
- is not relevant to Windermere Rowing Club.

OR the IO may accept the complaint, in which case it will proceed to a Grievance Panel Hearing.

The IO will report to the Club Officer who received the complaint.

If the complaint is dismissed by the IO and the person raising the grievance is not satisfied with the outcome, they should submit their reasons in writing to the Club Captain who, after consulting with members of the Club Committee, may reject or uphold this submission.

If the request is upheld the matter will progress to a Grievance Panel Hearing. Any submission should be made within 14 days of receipt of the IOs report.

Grievance Panel

The Club Captain shall convene a Grievance Panel comprising an appointed chair and a further two members who shall not have been involved with the matters before the Panel. The Club may ask for individuals from outside the club to sit on the panel.

The Grievance Panel:

- will convene a formal hearing of the complainant's case if the matter cannot be progressed by further mediation.
- has the power to initiate further investigation, if deemed appropriate, including gathering information or requesting reports or statements.
- shall arrange a hearing in a timely manner, preferably within 14 days of the panel being established.

The complainant shall be informed of the date, time and place of any formal hearing and also be informed of the names of the Grievance Panel members. The complainant should be given copies of all relevant papers.

The Panel must give a fair and independent hearing to the complainant within an appropriate and agreed timescale. The complainant has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a hearing.

The purpose of the hearing is to hear the complainant's grievance and determine any further action to be taken. The person(s) who is/are subject to the complaint will not be asked to attend the Grievance Hearing.

If the complainant chooses not to attend the hearing in person or by telephone if appropriate, the panel, if properly constituted, has the right to proceed with the hearing in their absence and/or based on written submissions and information available.

A formal record will be made of the hearing. The decision of the panel should be made in writing to all parties within 7 days.

Actions by the Grievance Panel may include:

- Accept that there is evidence of a serious breach of Club Rules or Code of Conduct justifying Disciplinary Action and recommend progress to a Disciplinary Hearing.
- Recommend that no further action be taken.
- Recommend appropriate action to be taken by the Club Committee.

If the outcome of the Hearing is unacceptable to the complainant they may appeal, following the Right of Appeal and Appeal Procedure set out at section 4 below.

3. DISCIPLINARY PROCEDURE

In cases where it appears that formal disciplinary action may be required, in the principle of general fairness and good practice, the following procedure will be used and should be completed as soon as reasonably practicable. For any delays in the investigation process both parties should be kept informed in writing as to the anticipated delay and new timescale. It is in the best interest of the Club and all involved parties that the procedure is completed in as short a timeframe as possible, whilst allowing a complete and thorough investigation to take place.

If a member is subject to disciplinary action the following principles will apply:

- No disciplinary action will be taken until the matter has been appropriately investigated and recommendations for next steps provided.
- The member of the Club whom the allegation is against is entitled to be made aware of the nature of the complaint, be given the opportunity to state their case, and be represented or accompanied by a fellow Club member, or friend or relative with no connection to the Club. The accompanying person must not be connected in any way to the disciplinary investigation or related matters.
- No Club Member will be dismissed from the Club for a first breach of Club Rules or Conduct except in the case of gross misconduct, when the penalty will normally be immediate expulsion from the Club.
- All Club members have the right to appeal against any disciplinary action taken against them.
- All matters handled under this procedure will be handled with utmost confidentiality for all involved parties.

Disciplinary Panel

The purpose of the Disciplinary Panel is to determine the action, if any, to be taken against a member subject to a complaint after it has been established that there has been an occurrence requiring formal action by a Disciplinary Panel.

When a Grievance Panel recommend progress to a Disciplinary Hearing or when the Club Captain after consulting with the Club Committee considers that a member has contravened the Club's rules or Code of Conduct, or who is deemed to have brought the sport or the Club into disrepute, such that a direct reference to a disciplinary hearing is appropriate, the Club Captain shall convene a Disciplinary Panel comprising an appointed chairman and a further two members who shall not have been involved with the matters of the hearing.

The Club may ask for individuals from outside the club to sit on the panel.

The Disciplinary Panel has the power to initiate an investigation, if deemed appropriate, including gathering information or requesting reports or statements. There will be no further attempt at mediation at this stage. The Disciplinary Panel shall arrange a hearing in a timely manner, preferably within 14 days of the panel being established.

The member under investigation shall be informed of the date, time and place of any hearing, and also be informed of the names of the Disciplinary Panel members. The member who made the complaint shall be informed that the matter is being dealt with, but will not be privy to any further details which remain confidential to the person undergoing the disciplinary process.

The panel must give a fair and independent hearing to the member under investigation within an appropriate and agreed timescale. The member under investigation has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a hearing.

If the member under investigation chooses not to attend the hearing in person or by telephone if appropriate, the panel, if properly constituted, has the right to proceed with the hearing in their absence and/or based on written submissions and information available to them.

A formal record will be made of the hearing. The decision of the committee should be made in writing to the member under investigation within 7 days.

Actions by the Disciplinary Panel can include:

- issuing of a written warning
- suspension of membership
- expulsion from the club
- recommend that no further action be taken

The member subject to the disciplinary procedure may appeal, following the criteria outlined in section 4.

4. RIGHT of APPEAL and APPEAL PROCEDURE

There is a right to appeal against the outcome of a Grievance or a Disciplinary Panel decision. The appellant should set out the grounds on which they wish to appeal. This letter should be sent to the

club officer who received the original complaint or grievance within 5 working days of the outcome of the initial hearing being known.

The Appeal will be considered by the Club Captain in consultation with the Club Committee and an appeal may be granted where there is a strong arguable case that either:

1. Relevant information was ignored or not considered by the original panel; or
2. The disciplinary or grievance process was tainted by unreasonable bias or conflict of interests; or
3. The provisions of the disciplinary or grievance procedure were not adhered to; or
4. The original panel exceeded its jurisdiction; or
5. The findings of the original panel/hearing were irrational or otherwise exhibited an error of general procedure.

Where an Appeal is granted the Club Captain will then appoint an Appeal Panel consisting of three people who were not involved in the original investigations, grievance or disciplinary hearings. It may include persons from outside the club.

The Appeal Panel has the power to initiate an investigation, if deemed appropriate, including gathering information or requesting reports or statements. There will be no further attempt at mediation at this stage. The Appeal Panel shall arrange a hearing in a timely manner, preferably within 14 days of the panel being established.

The member who made the appeal shall be informed of the date, time and place of any hearing and also be informed of the names of the Appeal Panel members and will be provided with a copy of the notes of the first hearing. The Panel may consider the matter from written reports, submissions and other information available to them and may call the member making the appeal to present the appeal. Other parties will not attend the appeal hearing.

The Panel must give a fair and independent hearing to the party within an appropriate and agreed timescale. The party has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a hearing.

If the party chooses not to attend the hearing in person or by telephone if appropriate, the Panel, if properly constituted, has the right to proceed with the hearing in their absence and/or based on written submissions and information available to them.

A formal record will be made of the hearing. The Appeal Panel has the power to confirm, dismiss, increase or decrease the original findings and will confirm its decision to all parties in writing within 7 days of the appeal panel being held. The findings of the Appeal Panel shall be final and binding on all parties.

5. MEDIATION

There may be occasions when mediation between individuals or squads is useful as part of, alongside of, instead of, or after the disciplinary process. If it is believed mediation may be useful, the Club will make every effort to find an impartial Club Member or other person who is not connected to the Club, who is experienced in such matters and willing to guide and assist the mediation process.

The Club will not be expected in any circumstances to contribute to any fees acquired by either party in relation to this; it will be entirely at the involved parties' expense.

6. NO FURTHER ACTION

Following an investigation into the relevant circumstances there may be occasions when it is not necessary to take any further action. This may be where allegations are totally unfounded or where there does not appear to be any breaches of disciplinary rules. In this case the complainant shall be informed in writing of the outcome of the investigation.

The Club Member/s whom the allegation was against shall have the allegations removed from their records and it will not be held against the Member/s in any way.

7. RIGHT TO SUPPORT

Both the Complainant and appellant have a right at all stages of the procedure to be accompanied by a fellow Club Member who is not involved in the investigation or a friend or family member not connected with the Club. The support person can ask questions regarding the investigation but may not answer on the behalf of the person being questioned.

8. COMMITTEE GUIDANCE

Where the IO recommends formal disciplinary action is not appropriate or required, Committee Guidance may be issued to the Club Member against whom the allegations were made. This may involve guidance on improving e.g. conduct and behaviour in and around the Club and may relate to a specific incident or set of circumstances.

This is not considered to be a disciplinary action and will not be recorded as such against the Club Member.

9. RECORDED WARNING

Grievance and Disciplinary panels may conclude that a recorded warning may be appropriate. The Club Member will receive this warning from the Club Captain, verbally and then followed up in writing. The Club Member should be informed that a recorded warning is being given, the reasons for that warning and the fact that it represents the first stage of the disciplinary procedure and failure to improve could eventually lead to expulsion. The Club Member should also be advised that they have a right to appeal against the decision.

A note of the recorded verbal warning will be retained on the Club Members file but should be disregarded for disciplinary purposes after 12 months.

10. FINAL WRITTEN WARNING

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given, which will include the reason for the warning.

The warning will be retained on the Club Member's record, but after a period of 12 months it will be disregarded. However, depending on the seriousness of the misconduct involved, the Club Captain issuing the warning may provide that the warning should stay on file and be considered for a period of up to 24 months.

The Club Member will be informed that if there is no improvement and/or a further offence of a similar kind occurs it is likely that expulsion from the Club will occur.

Although expired warnings of any level will usually be disregarded for the purposes of subsequent disciplinary action, they may be taken into account in exceptional circumstances including, for example, where there is a pattern of a particular Club Member engaging in misconduct or breaking Club Rules.

11. GROSS MISCONDUCT

Misconduct definition: conduct that is inappropriate, incorrect, improper, unlawful, or unsporting and/or has the potential to bring the sport of Rowing into disrepute.

If, after an appropriate investigation using the steps already outlined, it is established that a Club Member has committed an offence which constitutes an act of gross misconduct the normal consequence will be immediate expulsion.

The following provides examples of gross misconduct, but the list is not exhaustive and is provided for guidance only:

- Use of alcohol or illegal drugs whilst partaking in any rowing related activity
- Fighting, assault or physical violence to another person
- Gross insubordination
- Refusal to follow any reasonable instruction
- Serious infringement of health and safety rules
- Refusal to carry out contractual duties
- Bullying or harassment
- Falsification of documents
- Theft from the Club
- Discrimination on any grounds
- A breach of Windermere Rowing Club and/or British Rowing Safeguarding and Protecting Children or Adults at Risk policies
- Gross negligence giving rise to serious concerns such as, for example, injury/damage/loss to person/property or a serious risk of such injury/damage/loss occurring

12. SUSPENSION

Whilst any allegation is being investigated, the Club Member may have their membership suspended or have limited access to the Club during certain times, during which time fees will be reduced accordingly. Suspension of membership, or limited access, can only be dictated by the Club Captain, or if he/she is not available, a vote should be taken by the Chairman. Suspension should generally be reviewed by the Club Captain on a weekly basis or as the Club Captain deems appropriate for the circumstances. Suspension of a Club Member is a last resort if limited access times to the Club cannot be agreed.

Circumstances where suspension might be appropriate would include situations where e.g. there are grounds for concern that the complainant may be pressurised or intimidated, or the situation is so serious that it is not appropriate to allow the risk that the complainant and appellant come into contact with each other. Suspension will be for the shortest time possible.

13. VEXATIOUS OR ANONYMOUS COMPLAINTS

There may be rare occasions when, despite all the club based stages of the complaints procedure being followed, a complainant remains dissatisfied. If the complaint has passed through all the stages and the complainant seeks to re-open the same issue, the club reserves the right to inform him/her in writing that the matter has progressed through all club-based stages of the complaints process and is now concluded.

Anonymous complaints, by their nature, cannot be investigated under this policy, as there is no complainant with whom to discuss the issues of concern. However, if there are a series of complaints related to a common theme, it would be prudent for the club to consider such themes to determine if any action is necessary e.g. a review of policy.

14. VEXATIOUS COMPLAINTS

See Appendix 1

15. DEFINITION of ROLES

Investigating Officer	To find out the facts behind the complaint or disciplinary allegation and make a report to the Club Captain or other Club Officer handling the matter with a recommendation as to further action.
Grievance Panel	To hear a complaint objectively and impartially and recommend action. Complainant attends.
Disciplinary Panel	To set out allegations against a member of the club and hear their response to these impartially and objectively in order to make a decision. Member who the complaint is about attends.
Appeal Panel	To review the decision or recommendation made by either a Grievance or Disciplinary Panel objectively and impartially and make a decision. Member making the appeal attends.
Person Accompanying the Party at a Hearing or Meeting	To offer support to the member attending the process. Can be a family member, Club member or friend and whose input is at the discretion of the Chair.

FURTHER INFORMATION

For all other disputes (i.e. involving other clubs, competitions or Regional Rowing Council) WRC refers to British Rowing guidance <https://www.britishrowing.org/about-us/governance/disciplinary-and-grievance-procedures/>

Date of Adoption: December 2020

Date for next Review: December 2022