



TALKIN TARN AMATEUR ROWING CLUB (Ltd)

GRIEVANCE/COMPLAINTS AND DISCIPLINARY PROCEDURE

Grievance Procedure (see -Appendix 1)

Allegations of misconduct or grievance can be reported verbally to any Director of the Club or committee member (in line with British Rowing's "Guidelines on Grievance and Disciplinary Procedures in Rowing"). This should then be reported to the Club Chairperson (or Vice Chair, if the complaint involves the Chairperson), in writing.

Please note that where an individual who is raising a grievance or is the subject of disciplinary case is under the age of 18 years it is obligatory that the parents or legal guardians of that child must be informed and that the individual is accompanied during any hearing or appeal.

If the allegation or complaint falls within the boundaries of "Safeguarding and Protecting Children" then the Club Welfare Officer must be informed and further management of the complaint will be in accordance with the guidance from British Rowing (WG 1.7)

The officer receiving a complaint should consider carefully the most appropriate method of dealing with that complaint.

- This might be through informal discussions with the parties concerned, or
- Through a more formal hearing.

-It is recommended that informal discussion is tried first, if appropriate, before a formal hearing procedure is implemented.

It is important that there is clarity about the procedure to be followed whatever course of action is proposed and that all parties are made aware of the procedures and process that will be put in place. The Chairperson can lead or will nominate a Chair and at least two others to lead any investigation and hearing on behalf of the club.

If the club wishes to try to resolve the issue informally in the first instance they should identify a suitably qualified person who has not previously been involved in the dispute, in agreement with the complainant. Such a stage is not obligatory but may help to clarify any misunderstandings or help identify the issues in dispute and may serve to resolve the issue before a hearing is convened. The independent person should advise the terms of the procedure, for example who may attend and the conduct of the meeting. If this approach results in a satisfactory resolution for the complainant this should be reported in writing to the Chairperson within 30 days.

The outcome of this stage is not binding but may be referred to in any subsequent hearing or appeal as may any failure or refusal to participate in such proceedings.



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Hearing

If the complainant is not satisfied with the outcome of informal discussions (or such a stage is not deemed to be appropriate) they must set out in writing their grievance and request for a hearing and send to the Chairperson or nominated lead within a reasonable timescale. This may vary depending on the issue at hand but should not exceed three months.

- The hearings panel should be appointed by the Chairperson (or the vice Chair in the event that the issue involves the chairperson) on behalf of the committee.
- At a minimum it should comprise a Chair and at least two independent members one of whom may have relevant 'expert' knowledge. All panel members must be independent of the dispute.
- The complainant should signify his agreement in writing to the constituted panel.
- The panel must give a fair and independent hearing to both sides of the dispute within an appropriate and agreed timescale.
- The complainant has the right to be accompanied.
- Discussions should be well recorded.
- If either party chooses not to attend the hearing, the panel has the right to proceed with the hearing based on written submissions.
- The outcome, and sufficient reason to explain the outcome, of the hearing must be communicated to both parties within 14 days and recommendations reported to the Committee as the governing body of the Club.
- The panel should be aware of the possible outcomes of the hearing in line with British Rowings jurisdiction. Recommendations on the outcome of the hearing and any disciplinary actions will be sanctioned by the Committee.
- If the outcome of the hearing is unacceptable to either body they have the right to appeal.

Appeal 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 Club Chairman within 14 days of the outcome of the initial hearing being known.



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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 recommendations advised by the hearing was tainted by unreasonable bias or conflict of interests; or
- the original panel exceeded its jurisdiction;

The Club Committee 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 require the parties to be attend.

- The appellant has the right to be accompanied at an appeals hearing.
- Discussions should be well recorded.
- The outcome and sufficient reason to explain the outcome of the appeal panel will be communicated to both parties within 14 days of the appeal panel hearing.
- The outcome of the appeal will be final.

Disciplinary Procedure

Where the TTARC or British Rowing wishes to discipline an individual or organisation who has contravened the organisations rules or code of conduct, or who is deemed to have brought the sport or organisation into disrepute, a similar framework should be adopted as outlined below. This framework lays out the principles required to ensure a fair and transparent process is followed and natural justice is done.

Mediation

- The club (TTARC) , wishing to discipline a member may wish first to endeavour to resolve the matter by mediation. It is advisable that an independent person is sought to moderate this meeting.
- The disciplinary case should be set out by the organisation, including where possible details of any rules or agreements that have been deemed contravened.



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- The mediator should advise the terms of the procedure, for example who may attend and the conduct of the meeting.
- Such mediation is not obligatory but may help to resolve the situation, clarify any misunderstandings or help identify the issues in dispute before a hearing is convened.
- The outcome of the mediation stage is not binding but may be referred to in any subsequent hearing or appeal as may any failure or refusal to participate in such proceedings.

Disciplinary hearing

- If a satisfactory resolution is not reached, the Club (TTARC) will set out in writing the details of the disciplinary case including, where possible, details of any rules or agreements that have been deemed contravened and sent to the person accused within 30 days. This notice should contain details of the disciplinary procedure, including timescales, and the right of appeal
- A disciplinary hearings panel should be appointed by the Chairman .
- At a minimum the panel should comprise a Chair and two independent members one of whom may have relevant 'expert' knowledge. All panel members must declare any conflicts of interest.
- The individual/s against whom the disciplinary action is being taken should signify their agreement to the constituted panel.
- The panel must give a fair and independent hearing to both sides of the dispute within an appropriate and agreed timescale.
- The individual/s against whom the disciplinary action is being taken has the right to be accompanied at the hearing.
- If either party chooses not to attend the hearing, the panel has the right to proceed with the hearing based on written submissions.
- Discussions should be well recorded.
- The result of the hearing, with sufficient reason to explain the result, must be communicated in writing to all parties within 14 days of the date of the hearing. Recommendations on the outcome of the hearing and any disciplinary actions will be sanctioned by the Committee.
- The panel and the accused should be aware of the possible outcomes of the disciplinary hearing in line with the constitutional body's jurisdiction.



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- The panel may wish to call on ‘expert’ witnesses for advice.
- If the outcome of the hearing is unacceptable to either party they have the right to appeal.

Appeal procedure

If either party wishes to appeal against the outcome of the disciplinary hearing they should set out the grounds on which they wish to appeal in writing. This letter should be sent to the Club Chairman 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:-

- a) relevant information was ignored or not considered by the original panel; or
 - b) the disciplinary process was tainted by unreasonable bias or conflict of interests; or
 - c) the provisions of the disciplinary procedure were not adhered to; or
 - d) the original panel exceeded its jurisdiction.
- The Committee 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 require the parties to be attend. If they do attend the accused has the right to be accompanied.
 - Discussions should be well documented.
 - The outcome of the appeal panel, with sufficient reason to explain the outcome will be communicated to all parties within 14 days of the appeal panel hearing.
 - Recommendations on the outcome of the hearing and any disciplinary actions will be sanctioned by the Committee.
 - The outcome of the appeal will be final



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Sanctions

Where disciplinary action is found to be necessary the following sanctions may be used, which may be time limited or permanent and hold implications for any future breach of conditions

1. Verbal warning
2. Written warning
3. Restrictions on use of club equipment/times spent at club
4. Temporary/permanent suspension from office/club
5. Referral to British Rowing

This list is not exhaustive, but is intended as a guide. The panel reserve the right to recommend the level of sanction it feels is appropriate according to individual circumstances.

Any sanctions will be actioned in writing by the Committee.



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Appendix 1

COMPLAINTS PROCEDURE FLOW CHART

