



# WARRENDER BATHS CLUB

## GRIEVANCE AND COMPLAINTS POLICY

### **Introduction**

Warrender Baths Club (“the Club”) is affiliated to Scottish Swimming and will follow the Scottish Swimming ‘Club Complaints Process Guidelines’ (“the SS Complaints Policy”) set out at

<http://www.scottishswimming.com/members/membership/club-governance-and-adminstration/complaints>

The SS Complaints Policy applies to both Club complaints and Club grievances. A grievance is defined in the Club’s Constitution as a formal expression of dissatisfaction or an allegation of unfair practice in connection with the management of the Club. A complaint is defined in the Club’s Constitution as a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sport as governed by Scottish Swimming.

This Complaints Policy (“this Policy”) has been adopted by the Club to explain the manner in which the Club will follow the SS Complaints Policy in its handling of both grievances and complaints (hereinafter collectively referred to as “complaints”).

A complaint may be raised by:

- a) any member of the Club,
- b) a parent or guardian on behalf of a member of the Club who is under the age of 16 years, or
- c) any individual.

**Any individual who is the subject of a complaint will be given the opportunity to be heard in their defence.**

### **Jurisdiction**

If a complaint involves the Scottish Amateur Swimming Association (“the SASA”) Constitution and/or Rules then the complainer should contact the Director of Services at Scottish Swimming to pursue the complaint.

If a complaint involves child abuse or other criminal offences it shall be referred by the Club to Scottish Swimming’s Chief Executive or Director of Services within 48 hours. The Chief Executive, National Legal Adviser, Director of Services and the Chair of the Board of Directors of Scottish

Swimming shall deal with such cases as appropriate.

If the complaint involves the use of drugs the complaint shall be referred to the Secretary of the British Swimming (BS) for action, and no further action shall be taken by the Club under this Policy. The BS shall deal with all cases involving drugs and their decisions in such cases shall be accepted by the Club.

If the complaint involves the Club constitution and/or Rules, Regulations, Codes of Conduct or Policies then it shall be dealt with by the Club in accordance with the terms of this Policy.

### **Informal Resolution**

The Club will use all reasonable endeavours to resolve a complaint at the outset through informal discussion with all parties to achieve a quicker and more acceptable outcome for all. Where appropriate, and provided that all parties are willing to participate, the Club may make use of the informal conciliation service provided by Scottish Swimming, which is focused around mediation. The Procedure for the Scottish Swimming conciliation service is set out in the SS Policy.

### **Formal Resolution**

In the event that a complaint cannot be resolved by either informal discussion or conciliation as outlined above, the Club will form a Complaints Panel (“the Panel”) which will consist of three members of the Management Committee or Club members who are not all members of the Club Executive. No Panel member shall participate in a hearing in which they have a personal involvement with either the subject matter(s) or the parties to the complaint or be present at any such Panel meeting.

One member of the Panel shall be appointed as Chair of the Panel. The Club Secretary will carry out the administration for all complaints.

If any question concerning the interpretation of general law arises, the Chair of the Panel will seek the written advice of the Club’s own Legal Adviser.

### **The Complainer (*The person making the complaint*) and how to make a complaint**

If an informal resolution is not reached then a formal complaint can be made to the Club Secretary in writing, which must detail the matter(s) with which the complainant is dissatisfied and the reasons for their dissatisfaction.

The written complaint must reach the Club Secretary not later than 30 days after the incident that gave rise to it. The Chair of the Panel may at his or her discretion extend this period by up to six months in any case in which they are satisfied that it was not practicable for the complaint to be made within 30 days of the incident.

### **The Respondent (*The person whom the complaint is against*)**

All Respondents will be given the opportunity to respond to the complaint against them. The Secretary will send a copy of the written complaint to the Respondent, each of the parties who are involved and the Chair of the Panel within 14 days of receipt of the complaint. The Respondent will then have 14 days from receipt of the complaint to respond to the allegations in writing to the Secretary.

### **Procedure**

The Chair of the Panel shall arrange the date and venue for the Panel to consider the complaint at a hearing ("the Hearing") which must be within 60 days of receipt of the complaint by the Club Secretary. The parties shall be given at least 14 days notice of the Hearing.

If the Chair of the Panel becomes aware of any unavoidable circumstances which would prevent a hearing being held within such 60 day period then he or she shall have the discretion to extend the period for the hearing to a maximum of 120 days from receipt of the complaint, and shall notify the parties as soon as the decision to extend the period is made giving the reasons for that decision and notification of the date and venue of the new Hearing.

The Chair of the Panel may seek written or verbal evidence from any person who may be able to assist the Panel in its consideration and determination of the complaint.

Proceedings at the Hearing shall be flexible and shall be at the discretion of the Chair of the Panel who shall ensure that manuscript notes of the proceedings are taken.

The Club may suspend a member from activities wholly within its own jurisdiction while a complaint is being investigated. Such suspension pending investigation will not be a form of disciplinary action. Notice of the suspension and the reasons will be conveyed in writing to the respondent.

### **Powers of the Panel**

The Panel may make whatever order it considers just including the imposition of such financial penalties as the Panel determines and/or exclusion or suspension of the Respondent for a period. When a fee or fine (not subject of an appeal) due to the Club has not been paid the Club can, after due warning, may suspend the Individual until payment is made.

### **Suspensions**

A person under suspension shall not participate in any activity organised by the Club or controlled by the Club.

Where appropriate a person may be given a limited suspension provided the limitation(s) are clearly defined (e.g. a person may be suspended from all competition activities but allowed to continue in training and administration activities).

An eligible competitor taking part in competitions, exhibitions or demonstrations with someone whom they know to be under suspension may themselves be suspended.

Suspensions by the Panel shall be binding on all Clubs and Districts of Scottish Swimming.

Suspensions and the lifting of suspensions shall be reported to Clubs, Districts and Scottish Swimming as appropriate.

### **Outcomes**

The Chair of the Panel shall arrange for the decision of the Panel to be communicated in writing to the parties and for a copy of the findings with all attendant documents to be sent to the Club Secretary for record within 14 days of the date of the Hearing.

## **APPEAL PROCESS**

There is Leave to Appeal against a decision taken by the Club or any individuals or organisations empowered to act on behalf of the Club in accordance with Section 14 of the Scottish Swimming 'Company Rules'.

In dealing with appeals in respect of a decision of a Club or the Panel, the appropriate Body to consider the appeal will be the National Enquiry Panel.

Decisions arising from the normal course of business of a Club on administrative and technical matters, appointments and selection of teams may not be the subject of an appeal.

When leave to appeal is made, the decision against which the appeal is being made shall be suspended, except in exceptional cases which shall include but not be limited to circumstances where Child Protection is an issue. For the avoidance of doubt, Scottish Swimming will decide whether or not the case is an exceptional case for the purposes of the foregoing sentence.