



Grievance and Complaints procedure

INTRODUCTION

A complaint may be made in the circumstances described within the Club's Governance documentation. Any Individual or Body who is the subject of a complaint must be offered the opportunity to be heard in their defence.

The appropriate body to consider the complaint is as follows:

1. For Club constitution and/or rules - the Club
2. For SASA constitution and/or rules – SASA
3. For child protection or criminal - SASA
4. For drug offences - British Swimming

RESOLVE THROUGH INFORMAL CONCILIATION

Taking time to try and resolve a complaint at the outset results in a quicker and more acceptable outcome for all parties. However, it is appreciated that volunteers do not always know the best steps to follow and can often be embroiled in the complaint itself and so the Club may in the first instance seek to resolve the matter through informal conciliation and may draw on support from Scottish Swimming for this. The informal conciliation service offered by Scottish Swimming is focused around mediation and involves the following steps:

1. To start the management process correctly, clubs are invited to contact Scottish Swimming's Director of Operations for advice on how to proceed (Elaine Mackenzie, 01786 466522 or email @ e.mackenzie@scottishswimming.com).
2. Where appropriate, and providing all parties involved are willing to participate, Scottish Swimming is now offering an independent facilitator to arrange a meeting to work towards informal resolution of the club complaint.

The facilitator will:

- 2.1 Outline the process
- 2.2 Allow each party the opportunity to present their issue and suggest a resolution

- 2.3 Encourage all parties to consider resolutions put forward and to try and agree on a workable outcome
- 2.4 Record the outcomes
- 2.5 Advise next steps

Where you read complaint this refers to a club grievance or club complaint

Who should attend the meeting:

- The Scottish Swimming Facilitator
- Complainant
- Complainant's friend, if desired
- Respondent
- Respondent's friend, if desired
- Club President (or independent club rep)
- Club Secretary (or independent club rep)

For the mediation process to work, attendance and participation from all parties is required

FORMAL PROCEDURE FOR DEALING WITH THE COMPLAINT

If the complaint involves the Club constitution and/or rules a Club Complaints Panel (CCP) should be formed. If the complaint involves the SASA constitution and/or rules the complainant should contact the Director of Operations to pursue the complaint. If the complaint involves child abuse or other criminal offences the complaint shall be referred to Scottish Swimming's Chief Executive or Director of Operations within 48 hours.

National Legal Adviser, Director of Operations and the Chair of the Board of Directors shall deal with such cases as appropriate. For such cases no fee is required and the initial contact need not be in writing.

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 taken by the Club under the complaints procedure. The BS shall deal with all cases involving drugs and the Club shall accept their decisions in such cases.

CLUB COMPLAINTS PANEL

The Club Complaints Panel should be appointed from three members of the Management Committee or Club Members who are not all members of the Club Executive.

Panel Membership

No Panel Members 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 such a panel.

One member should be appointed as Chair of the panel and the Club Secretary should carry out the administration for all complaints.

If any question concerning the interpretation of General Law arises, the Chair must seek the written advice of a Legal Adviser.

In any case, where a complaint is upheld, the Chair of the Panel shall seek the record of any previous transgressions of the person concerned before the Panel considers the imposition of a penalty.

A Panel may make whatever order it considers just, including the imposition of a financial penalty and/or exclusion/suspension for a period.

The Chair of the Panel shall arrange for the decision to be communicated in writing to the parties and the Club within 14 days of the date of the meeting.

The Chair of the Panel at which the complaint is heard shall arrange for a copy of the finding with all the attendant documents to be sent to the Club Secretary for record.

COMPLAINANT (The person making the complaint)

A complaint is made to the Club on the appropriate form, which can be obtained by contacting the Club Secretary.

The written complaint must reach the Club not later than 30 days after the incident that gave rise to it, but the CCP Chairperson may at their discretion extend this period 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 written complaint must detail the matter(s) with which the complainant is dissatisfied and the reasons for their dissatisfaction.

RESPONDENT (The person to whom the complaint is against)

All Respondents will be given the opportunity to respond to the complaint against them.

They will be sent a copy of the written complaint and then given 14 days to respond to the allegations in writing.

PROCEDURE

Within 14 days of receipt of a complaint, the Club shall send a copy to each of the parties who are involved, and the Chairperson of the Club Complaint Panel.

The CCP Chairperson shall arrange the date and venue for the Club Complaint Panel to consider the complaint, which must be within 60 days of receipt of the complaint and shall give the parties at least 14 days notice of the arrangement.

If the CCP Chairperson becomes aware of any unavoidable circumstances, which will prevent a hearing being held within 60 days from receipt of the complaint, they shall have the discretion to extend the period for the hearing to a maximum of 120 days decision to extend the period is made giving the reasons.

4. The Chairperson may seek written or verbal evidence from any person who may be able to help the Hearing.

The proceeding shall be flexible and shall be at the discretion of the Chairperson who shall ensure that manuscript notes of the proceedings are taken.

OUTCOMES

Powers of the Club

For a breach of its own Rules, a Club may suspend a member from activities wholly within its own jurisdiction provided that before doing so, it informs the member of the

alleged offence and the requirements of their governance documentation have been satisfied.

Powers of Club Complaints Panel

The Club Complaints Panel may impose suspensions and fines on Individuals provided the requirements of their governance documentation have been satisfied.

SUSPENSIONS

A person under suspension shall not participate in any activity organized by the Club or controlled by the Club unless there are any exceptions detailed within their governance documentation.

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 Club Complaints 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.

FINES

Fixed fines published annually in the Club Information Booklet/Club Notice Board shall

be imposed on all Individuals by the Club Standing Committees as appropriate.

The Club Complaints Panel may impose fines on Individuals. The value of the fine will be as determined by the Club Complaints Panel.

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.

APPEAL PROCESS

There is LEAVE TO APPEAL against a decision taken by a Club, or any individual(s) or organizations empowered to act on behalf of the Club.

In dealing with Appeals for a decision of a Club or the Club Complaints Panel the appropriate Body to consider an 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 the Company will decide whether or not the case is an exceptional case for the purposes of the forgoing sentence.