



Chester Le Street Amateur Rowing Club

CLS ARC Grievance and Disciplinary Procedure (CLS06)

Version 3 (26/04/2019)

The club will follow the policy on bullying and child welfare, as implemented by British Rowing. Details of the grievance and disciplinary procedures we follow are documented below.

Consideration for suspension

In certain circumstances any club rower or member may be suspended from the club while the grievance/disciplinary procedures are followed. Where it is felt there is a need to do this in a timely manner, a minimum of three committee members are enough to implement the temporary suspension but must then seek ratification from the entire committee as soon as feasibly possible.

Examples of where this might happen include:

- Serious breaches of club rules. Examples would include:
 - fighting
 - verbal abuse of club officers
 - causing significant disruption to training
 - acting in such a way that interferes with the running of the club or an officer's ability to perform their duties
 - acting in a way that could potentially bring either the sport or the club into disrepute.
- Repeatedly breaching club rules, not following the direction of coaches or the direction of the committee and trustees.

Grievance procedure

1. An individual or member with a complaint about treatment by the club or another club member should consider if there are other ways in which the issue could be dealt with. These must be explored by the complainant before a grievance is raised. This might include asking the club to mediate a solution between the parties. It is quite normal for issues to be informally resolved through mutual agreement.
2. If the individual or member has exhausted all options to resolve the issue and wishes to raise a formal grievance, they should complete the grievance form. Generally, this should be done within 28 days after the incident to which the complaint/grievance refers.

In the first instance this should be sent via email to the club secretary. If the club secretary is the focus on the grievance it should be directed to the club chair. If both secretary and club chair are implicated in the grievance, the appellant should direct the form to a trustee who will follow the grievance procedures or assign another committee member to the task.

This form should be completed in full and sent with all information and documents that are relevant to the issue.

3. Once the grievance form is received an 'investigating officer' will be assigned. This would normally be either the club secretary, chair, treasurer, or in cases that involve child protection the welfare officer could be assigned as investigator or be involved in some capacity.

Depending on the nature of the case, person/s involved or previous cases involving the individual/s the case may be assigned to a panel of three (3) committee members.

4. Upon receipt of the grievance form the investigating officer will:
 - a. Check the grievance form has been completed correctly;
 - b. Check the grievance complies with these regulations, and refers to appropriately referenced sections from the club/British Rowing's code of conduct/regulations;
 - c. Check if the complainant has exhausted other reasonable means for resolving the issues identified in the grievance.
5. If the grievance does not meet the requirements set out in step 4, the investigating officer will dismiss it and provide the complainant with the reasons for the dismissal. Reasons for dismissing the grievance may include:
 - The complainant has not exhausted other reasonable means for resolving the issues identified in the grievance
 - Insufficient evidence to support the grievance has been supplied
 - The grievance does not raise any serious or material issues
 - The grievance is malicious or vexatious or otherwise without merit

- The grievance is not relevant to CLS ARC, or the club has no jurisdiction to consider and/or adjudicate on the grievance.
6. A complainant may re-submit a grievance dismissed by remedying the defects identified by the investigating officer.
 7. If the grievance does comply with these regulations the investigating officer will notify any individual (and any other person as necessary) who is the subject of the grievance (a 'respondent') and provide them with a copy of the grievance.
 8. If the details of the complaint appear to be of a serious nature, and the club has not already done so, the investigating officer may temporarily suspend the member concerned (subject to confirmation by the committee).
 9. The complaint/grievance will be progressed to the investigation stage except that when the investigating officer considers that a member has contravened the club's rules or code of conduct or is deemed to have acted in a way that may bring the sport or the club into disrepute. In this event, a direct reference to a disciplinary hearing is appropriate and the matter will progress directly to disciplinary procedure stage.
 10. The respondent will be asked to provide a statement and any relevant evidence and documents in response to the grievance which must be provided to the investigating officer within twenty-one (21) days of the respondent being provided with a copy of the grievance. This may be extended at the discretion of the investigating officer for such period of time that the investigating officer considers reasonable.
 11. The investigating officer may carry out such further investigation into the grievance as the investigating officer considers appropriate, which may include interviewing the complainant and respondent in person and requesting and reviewing documents. Note that it is the complainant's responsibility to provide the relevant names of witnesses and documentation when completing the grievance form. The investigating officer may however choose to request further information if something unexpected arises as part of the investigation.
 12. The investigating officer will notify the complainant and the respondents in writing as to the outcome of the investigation of the grievance within fourteen (14) days of the completion of the investigation.

The notification will explain and summarise the investigating officer's decision by reference to:

- The scope and extent of the investigation
- The matters considered by the investigating officer and the evidence relied on by the investigating officer
- The reasons for the decision
- Any measures that the investigating officer recommends should be taken as a result of the decision.

13. Actions by the investigating officer 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.

14. The complainant and/or respondent may appeal the investigating officer's decision.

15. Any appeal will be addressed according the provisions below relating to appeals.

Appeals procedure

1. A person wishing to make an appeal shall be referred to as an 'appellant'.
2. The club charges fee of £50 for any appeal which must be paid before the appeal process will be implemented by the club. The purpose of this charge is to act as a slight deterrent to the lodging of vexatious appeals and goes some way to alleviating the administrative burden involved in facilitating an appeal. Unlike some other organisations where this is non-refundable, should the outcome of the appeal be in favour of the appellant this fee will be refunded.
3. An appeal must be initiated with the appellant completing a 'CLS ARC notice of appeal' form and submitting it along with the £50 admin fee. In the first instance the form should be sent via email to the club secretary who will then advise the appellant on how the admin fee is to be paid. If the club secretary was the original focus of the grievance it should be directed to the club chair. If both secretary and club chair are implicated in the grievance, the appellant should direct the form to a trustee who will follow the grievance procedures or assign another committee member to the task. This form should be completed in full and sent with all information and documents that are relevant to the issue.

The relevant club officer must receive the notice of appeal within fourteen (14) days of the date of the relevant decision.

4. The notice of appeal must:
 - a. Identify the specific decision being appealed;
 - b. Set out the ground(s) of appeal and the reasons why it would be substantially unfair not to alter the original decision;
 - c. Set out a statement of the facts upon which the appeal is based.
5. An appeal would only be considered if there is a 'strong arguable case' that either:
 - a. relevant information was ignored or not considered by the original person/s, (Please note, this category is not applicable if information was not included or was withheld in the original grievance submitted by the complainant); 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; or
 - e. the findings of the original person/s were irrational or otherwise exhibited an error of general law.
6. Once the notice of appeal form is received a 'chair of appeal' for the case will be assigned. Where possible this will be one of the club trustees but should always be a club officer who is independent and as had no prior involvement in the matter.

In the event there are deemed to be no club officers or trustees who would be viewed as independent, the officer who received the notice of appeal will choose to elect an independent club member or an independent professional, (an experienced practising or retired solicitor, lawyer, judge or magistrate).

7. In the event there is a need for an independent professional and the club will incur a cost, the appellant will cover this cost in advance of the appeal proceeding. As with the admin fee for the appeal, this additional fee will be refunded to the Appellant if the hearing outcome is in their favour.
8. Upon receipt of the notice of appeal form the chair of appeal for the case will:
 - a. Check the notice of appeal form has been completed correctly;
 - b. Check the grievance complies with these regulations as outlined in section 3 of this appeals procedure;
 - c. Check the grievance complies with these regulations as outlined in section 4 of this appeals procedure, meeting one of the criteria outlined with enough evidence supplied that there is a 'strong arguable case'.
9. If the notice of appeal does not meet the requirements set out in section 3 or 4, the chair of appeal will dismiss the appeal and provide the appellant with the reasons for the dismissal.
10. An appellant may re-submit a notice of appeal dismissed by remedying the defects identified by the chair of appeal but this must be done within the fourteen (14) days of the date of the relevant decision.
11. If the notice of appeal does meet the requirements, the chair of appeal will elect two further club members to sit on an appeal panel for the case. Where possible this will be one of the club trustees but should always be a club officer who is independent and as had no prior involvement in the matter.

In the event there are deemed to be no club officers or trustees who would be viewed as independent, the chair of appeal will choose to elect two independent club members or an independent professional, (an experienced practising or retired solicitor, lawyer, judge or magistrate).

12. The chair of appeal for the case will 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.
13. In some situations, the appeal panel may simply refer the decision back to the person who made it for re-consideration or simply review the original grievance. In other situations, the appeal panel may request written submissions and may or may not request the parties to be attend in person to make further representations, or simply for the appeal panel to ask questions.
14. The appellant will be informed of the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with an appeal. A junior must be accompanied by an adult nominated by the junior.

15. Discussions should be well recorded in writing by one of the panel, or someone appointed by the appeal panel for the sole purpose of recording the minutes.
16. At the conclusion of the appeal, the panel will meet to decide the outcome. The outcome and sufficient reason to explain the outcome of the appeal will be communicated to both parties within 14 days of the appeal panel hearing.
17. Minutes of the appeal shall be submitted to the club secretary.
18. The outcome of the appeal will be final.
19. If the outcome of the grievance report or the appeal indicated disciplinary action is required, the appeal panel will instigate the disciplinary procedure.

Disciplinary procedure

1. These procedures can be instigated only at the request of a club officer, trustee, investigating officer, or any independent panel for appeals. The club chair will be notified of the requirement of the disciplinary procedure to be followed.
2. This procedure can be instigated as a result of the grievance procedure following an investigation. This procedure can also be instigated for the following reasons:
 - It is alleged that a member has broken the club rules
 - It is alleged a member has acted in such a way that it could bring the club into disrepute
 - It is alleged a member has acted in a way that does not represent the club ethos and values
 - It is alleged a member has acted in a way that would contravene any of the club policies
 - It is alleged a member has acted in a way that undermines the committee, trustees, club officers or the ethos of the club either through one particular incident, or over a period of time through a series of actions.

3. Upon the instigation of this procedure the club chair will write to the club member and include details of the reason for the instigation of this procedure, and details of any allegation made or the reference to a grievance/investigation decision.

This notice will contain details of the disciplinary procedure, including timescales, the date of the possible hearing, and the right of appeal.

A request will be made as part of this notice for the member to provide a written statement of defence, or extenuating circumstances within seven (7) days.

4. 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.
5. The club chair will choose two committee members or club members who are independent and have no conflicts of interest to sit on the 'disciplinary panel'.
6. Once received, the disciplinary panel will consider the written statement and decide whether to:
 - a. Write a notice of advice regarding their behaviour (written warning not to do this again);
 - b. Write to the club member asking for a formal apology;
 - c. Meet with the club member to suggest a reasonable sanction or response;
 - d. Continue with a hearing (this must take place if this procedure is invoked as part of the grievance procedure).
7. The individual against whom the disciplinary action is being taken has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a disciplinary

hearing. The club will make sure that the person being subject to the disciplinary proceedings is aware of this right prior to any such hearing or meeting.

8. If the disciplinary procedure has been invoked as a result of the grievance procedure a hearing must be held. If no response is received from the individual or is insufficient, the club chair shall notify the individual against whom the disciplinary action is being taken of the date, time and location of the disciplinary hearing. The Disciplinary hearing shall take place no later than twenty-one (21) days from the initial notice of disciplinary.
9. If the disciplinary procedure has been invoked has the request of a club officer in relation to the reasons outlined in section 2, a hearing must take place and the panel must give a fair and independent hearing to both sides of the dispute, allowing witnesses and witness statements where appropriate.
10. If any party invited to the hearing chooses not to attend, the panel if properly constituted, has the right to proceed with the hearing in their absence and/or based on written submissions.
11. Discussions should be well recorded in writing by one of the panel, or someone appointed by the panel for the sole purpose of recording the minutes.
12. The investigating officer will notify all relevant parties in writing as to the outcome of the hearing within fourteen (14) days of its completion.
13. The minutes of the hearing shall be recorded and lodged with the club secretary; these minutes are not to be made public.
14. If the outcome of the hearing is unacceptable the accused, the complainant or the club officer who initiated this procedure have the right to request an appeal by following the appeal procedure.
15. Once the outcome of an appeal has been decided or immediately should no appeal be lodged, the committee can at that point apply the recommended sanctions.

Disciplinary appeal procedure

1. A person wishing to make an appeal shall be referred to as an 'appellant'.
2. The club charges fee of £50 for any appeal which must be paid before the appeal process will be implemented by the club. The purpose of this charge is to act as a slight deterrent to the lodging of vexatious appeals and goes some way to alleviating the administrative burden involved in facilitating an appeal. Unlike some other organisations where this is non-refundable, should the outcome of the appeal be in favour of the appellant this fee will be refunded.
3. A disciplinary appeal must be put in writing and submitted it along with the £50 admin fee. In the first instance it should be sent via email to the club secretary who will then advise the appellant on how the admin fee is to be paid. If the club secretary was the original focus of the grievance it should be directed to the club chair.

The appeal request must be sent with all information and documents that are relevant to the issue. The relevant club officer must receive this within fourteen (14) days of the date of the relevant decision.

4. The notice of appeal must:
 - a. Identify the specific decision being appealed;
 - b. Set out the ground(s) of appeal and the reasons why it would be substantially unfair not to alter the original decision;
 - c. Set out a statement of the facts upon which the appeal is based.
5. An appeal would only be considered if there is a 'strong arguable case' that either:
 - a. relevant information was ignored or not considered by the original person/s, (Please note, this category is not applicable if information was not included or was withheld in the original grievance submitted by the complainant); 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; or
 - e. the findings of the original person/s were irrational or otherwise exhibited an error of general law.
6. Once the written appeal is received a 'chair of disciplinary appeal' for the case will be assigned. Where possible this will be one of the club trustees but should always be a club officer who is independent and as had no prior involvement in the matter.

In the event there are deemed to be no club officers or trustees who would be viewed as independent, the officer who received the written appeal will choose to elect an independent club

member or an independent professional, (an experienced practising or retired solicitor, lawyer, judge or magistrate).

7. In the event there is a need for an independent professional and the club will incur a cost, the appellant will cover this cost in advance of the appeal proceeding. As with the admin fee for the appeal, this additional fee will be refunded to the appellant if the hearing outcome is in their favour.
8. Upon receipt of the written appeal form the chair of appeal for the case will:
 - a. Check the written appeal has been completed correctly, with all relevant arguments and information;
 - b. Check the grievance complies with these regulations as outlined in section 3 of this appeals procedure;
 - c. Check the grievance complies with these regulations as outlined in section 4 of this appeals procedure, meeting one of the criteria outlined with enough evidence supplied that there is a 'strong arguable case'.
9. If the written appeal does not meet the requirements set out in section 3 or 4, the chair of disciplinary appeal will dismiss the appeal and provide the appellant with the reasons for the dismissal.
10. An appellant may re-submit a written appeal dismissed by remedying the defects identified by the 'chair of disciplinary appeal' but this must be done within the fourteen (14) days of the date of the relevant decision.
11. If the written appeal does meet the requirements, the chair of appeal will elect two further club members to sit on an appeal panel for the case. Where possible this will be one of the club trustees but should always be a club officer who is independent and as had no prior involvement in the matter.

In the event there are deemed to be no club officers or trustees who would be viewed as independent, the chair of appeal will choose to elect two independent club members or an independent professional, (an experienced practising or retired solicitor, lawyer, judge or magistrate).
12. The chair of disciplinary appeal for the case will 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.
13. In some situations, the appeal panel may simply refer the decision back to the person who made it for re-consideration or simply review the original disciplinary. In other situations, the appeal panel may request written submissions and may or may not request the parties to be attend in person to make further representations, or simply for the Appeal Panel to ask questions.
14. The appellant will be informed of the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with an appeal. A junior must be accompanied by an adult nominated by the junior.

15. Discussions should be well recorded in writing by one of the panel, or someone appointed by the appeal panel for the sole purpose of recording the minutes.
16. At the conclusion of the appeal, the panel will meet to decide the outcome. The outcome and sufficient reason to explain the outcome of the appeal will be communicated to both parties within 14 days of the appeal panel hearing.
17. Minutes of the appeal shall be submitted to the secretary.
18. The outcome of the appeal will be final.
19. The committee will implement the sanction decided upon.

Disciplinary sanctions

1. Sanctions used are to be proportionate to the severity of the offence.
2. Generally, sanctions might include:
 - Giving the subject of the complaint a period of time in which to demonstrate that they have corrected their behaviour (probationary period)
 - Asking the subject of the complaint to sign a written agreement refraining from a repeat of the cause of the complaint
 - The request for a formal apology to the club or grievant
 - Written warning
 - Removal of specific privileges
 - Enforcing a ban or restriction on the subject of a complaint in relation to a specified activity
 - Fixed term suspension of membership
 - Expulsion from the club.
3. Isolated minor transgressions of the club rules may be treated leniently, recording of the transgression and giving a verbal warning or asking for a formal apology and assurances there will be no further reoccurrence of any issue or incidence, the issue of a written warning and placing the member on 'probation' for a specified length of time.
4. Repeated transgressions of club rules or incidents deemed 'serious' may lead to the any number of sanctions applied, depending on the transgression. Examples might be:
 - Written warning
 - Removal of specific privileges
(e.g. clubhouse key holder, boathouse access, boat/blade storage)
 - A ban or restriction on specific activities
(e.g. daytime rowing, erg/land training sessions, training camps, social events, competition entry)
 - Not being allowed to supervise others.
5. 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'.
6. Where a very serious transgression, bringing the club into disrepute or repeated/total or repeated disregard of the club rules, or any items under the section 'Consideration for suspension', a fixed term suspension or even exclusion from the club can be applied. In the event of exclusion, British Rowing will be informed.

Malicious complaints

1. 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 any investigating officer, club chair, committee or trustees
 - Fixed term suspension of membership
 - Removal of club membership.

Information to be shared

1. Upon completion of the grievance and disciplinary process, the decision to uphold or reject the grievance/complaint will be shared with all parties and a summary recorded on the members areas of the club website.
2. The privacy of the subject of the complaint will be kept. Details of any sanction/disciplinary action will not be provided to the grievant/complainant unless stipulated as part of the sanction imposed. (e.g. letter of apology to the grievant).

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