

## Pengwern Boat Club

# Complaints and Disciplinary Policy

### Introduction

Pengwern Boat Club is run by volunteer members who give their time freely to further the aims of the Club. Occasionally situations occur where members (either individuals or groups of members) and non-members associated with the Club are perceived to have behaved inconsiderately, inappropriately or in a way that is considered to be poor practice and contrary to standards prescribed in the Club's Code of Conduct or Articles of Association. Therefore, it is necessary for the Club to set out clear procedures for members and non-members (to include organisations and members of the public) to be able to put forward their grievances to the Club and to know that their issues shall be dealt with swiftly and fairly in order to achieve a resolution.

Pengwern Boat Club may also seek advice or refer serious cases of misconduct to British Rowing. The Club fully supports the grievance and disciplinary procedures of British Rowing.

### [Disciplinary - British Rowing](#)

### Purpose of this Policy

This policy sets out the Club's procedures for dealing with minor and formal complaints between members and non-members. All complaints requiring disciplinary action shall follow the procedures in this policy. The Club shall ensure that any Committee member that has a direct interest in the outcome of a complaint, or is implicated in any way in the complaint, shall not take part in the complaints process.

### Definitions

- Minor complaint – a dispute about behaviour or practice resulting in some resentment, or hindrance to the complainant's enjoyment of the sport. This could include decisions around crew selections.
- Formal complaint – an allegation of abuse or poor practice that causes distress or a risk of harm to the complainant or another member or non-member of the Club. A formal complaint may also result from the accumulation of a series of minor complaints relating to an individual member or non-member.
- Misconduct – unacceptable or inappropriate behaviour, or poor practice contrary to the Club's Code of Conduct, Policies or Articles of Association.



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- Disciplinary action – misconduct may result in the member being required to take corrective measures, being suspended or expelled from the Club.

## Minor Complaints

Pengwern Boat Club expects members to attempt to settle minor disputes between themselves. The aim of this shall be to resolve the situation at a level where for example a simple apology and agreement not to repeat an action may be sufficient. This could take place without the need for the involvement of others and would not give rise to disciplinary action.

There may be situations where the complaint is minor, but requires other considerations to be taken into account or others to be involved, such as in:

- Situations involving a junior below the age of 18 years or Adult at Risk, the advice of the Club Welfare Officer (CWO) may be sought, and a parent/carer should be involved in any written communication or meetings. Dated notes shall be taken as a record of what was discussed and what outcomes are expected.
- Situations where the complainant is a coach or Club official, the Club shall expect them to try and resolve issues sensitively and appropriately with the member involved, whereby measurable targets for improvement shall be set. Warnings may be given that sanctions shall be made if the cause of the complaint is repeated.
- Situations where a member has acted in a way that compromises the health and safety of other members, a Club official shall discuss the situation with that member as soon as is practically possible. If the Club official considers that the member acted without reasonable care, the Club official may raise their concern as a complaint to the Club Committee and the Safety Adviser. The Club official shall be authorised to temporarily ban the member from the activity until the Club Committee and the Safety Adviser have reviewed the situation and issued any recommendations for remedial action
- Situations where the coach is the subject of a complaint, the complainant can seek the assistance of a Club official to help facilitate a resolution.
- Situations where the parties involved cannot reach a resolution, or a resolution is rejected by one party, then members can seek the assistance of a Club official to help facilitate a resolution.

## Formal Complaints

In accordance with the Articles of Association any person, whether a member or not, with a serious complaint about another person, whether a member or not, or group, shall deliver the complaint in writing or in an email to the Chair (or if it relates to the Chair, the Secretary). If the subject of the complaint is the Chair, then the remainder of the Club Committee shall elect someone else to take their place. Members or non-members may complain about any action of another member or non-member that they believe is contrary to the Club's Code of Conduct, Policies or Articles of Association.



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Upon receipt of a formal complaint the Chair or Secretary shall acknowledge receipt of the complaint as soon as is practically possible and shall inform those involved about how the complaint shall be dealt with. They may also recommend that pending resolution the persons subject of the complaint remain away from the Club during investigation, or if a coach, take additional measures such as being accompanied whilst coaching.

Such recommendations shall be made for the protection of all the parties involved. If the complaint involves either a junior member below the age of 18 years or an Adult at Risk, the CWO (unless the CWO is the subject of the complaint) and the parent/carer shall also be informed and invited to attend any meetings that shall take place.

Depending on the nature of the complaint, the CWO may refer the matter to British Rowing. Where necessary to protect the interests of the child or Adult at Risk, and following advice from British Rowing, serious issues shall be reported to an appropriate authority, e.g. if there is a reasonable suspicion that a criminal offence has occurred, the issue shall be reported to the Police.

Information for those against whom a complaint has been made can be found on British Rowing's website.

## Procedures

### Step 1 – Informal Discussion

The Chair or Secretary shall facilitate a meeting between the parties to seek a resolution with actionable outcomes. If either party is unwilling to attend a meeting, is unsatisfied by the outcome or a resolution cannot be achieved then the process shall move to Step 2.

### Step 2 – Complaint Hearing Committee

This shall comprise at least three members of the Committee and the CWO if appropriate. If there are good reasons why a joint meeting of both parties cannot be achieved then it shall be permissible for the Complaint Hearing Committee to take depositions from both sides. Both the complainant and the subject of the complaint may bring one other person with them as support (or in the case of a junior member under the age of 18, they may bring one or both parents or guardians). Should either party refuse to take part, then the Complaint Hearing Committee may hear the complaint without them present. The Committee must give a fair and independent hearing to both sides of the dispute within an appropriate and agreed timescale (although where deemed appropriate the Committee may consult with the appropriate officials at British Rowing, legal advisers or Police/social services). The Committee will attempt to investigate as quickly as possible with an aim to complete the investigation and communicate the outcome within 14 days of receipt of the initial complaint.



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### Step 3 – Complaint Decision

The Complaint Hearing Committee shall decide to uphold or reject the complaint. If the complaint is rejected, then this decision shall be deemed to be final. If the complaint is upheld and the subject of the complaint is adjudged to be guilty of misconduct then the Committee shall proceed to Step 4.

### Step 4 – Disciplinary Measures

The Complaint Hearing Committee shall decide on the appropriate measures to apply. These may involve any of the following:

- Giving the subject of the complaint a period of time in which to demonstrate that they have corrected their behaviour.
- Asking the subject of the complaint to sign a written agreement refraining from a repeat of the cause of the complaint.
- Enforcing a ban or restriction on the subject of a complaint in relation to a specified activity.
- Suspending the membership of the subject of a complaint for a specified length of time.
- In cases of serious misconduct, repeated misconduct or serious breaches of the Club's Codes of Conduct, Policies or Articles of Association, the subject of the complaint may be expelled from the Club.
- 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.

### Step 5 – Disciplinary Appeal

A member disciplined under these procedures shall have the right of appeal to the full membership of the Club at a Special General Meeting called for that purpose. A majority of the votes of the members present shall decide whether to uphold the disciplinary measures. Members shall have no right of appeal for cases of serious misconduct that are referred to British Rowing for disciplinary action.

### Step 6 – Review

There will be a review after a period of 8 weeks, to ensure no reoccurrence of the issues raised.

### Record of Complaints Heard

The meeting(s) shall be minuted, and the minutes shall be shared with the complainant, the subject of the complaint and the Club Committee. All recipients of the minutes shall be expected to keep them private. A record of all complaints made shall be kept for five years, with copies to be held by the Chair and Secretary, and these are to be passed on to subsequent holders of the post.

### Communication with Persons Subject of a Complaint

- If an individual has been notified by the Club that there are reported causes for concern regarding his/her behaviour towards or with children, the



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individual is advised to obtain a copy of the British Rowing Safeguarding & Protecting Children Policy and Procedures.

- Any individual, who has been notified by the Club that there has been a complaint against him/her, will be treated with a fair and transparent process at all times
- The individual, subject to the complaint, will be assigned a designated contact from the Club. This person will be the individual's point of contact for the duration of the case associated with the complaint.
- Any queries or concerns by the individual should be communicated to the Club via the designated contact person above.
- The designated contact will be, if possible, neutral to the case. They will not be the designated contact for the complainant involved in the case, nor will they be a member of the Complaints Hearing Committee dealing with the case.
- An individual, subject to a complaint, will receive regular communication in the form of telephone calls, letters, texts and emails regarding his/her case from the designated contact; and be kept up to date with the progress of the case at all times

## Malicious Complaint

If a member makes repeated complaints which are considered to be without merit, then the Management 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 Chair
- Suspension of membership
- Removal of membership

## Rejecting Complaints

In circumstances where the Chair considers that a complaint merits no further action, either because there is little or no substance to the complaint or because the issue is not serious enough, then they may reject the complaint. Rejections shall be given in writing, so that there is no doubt about why the complaint is being rejected. The complainant may appeal this decision, by asking for the full Management Committee to consider it, and the decision of the Management Committee is final on whether or not further action is warranted. This would be dealt with at a separate meeting convened specifically for this purpose and must include a quorum of the Management Committee as defined by the Club Article of Associations. The complainant may bring one other person with them as support. Because this is a decision about whether or not the complaint should be considered further, this does not require the attendance of the subject of the complaint, as if the decision is made that no further action is needed then there shall be no complaint registered against that person