

Club Disputes & Complaints: Procedural Guidelines

The purpose of these guidelines is to ensure that all matters that may result in a dispute or a complaint are dealt with in a consistent and fair manner.

These guidelines and the procedures in which disputes and/or complaints should be handled are relevant to all members of the Club in whatever capacity or role they may hold.

This document should be read in conjunction with all other policies and procedures adopted by the Club.

It is acknowledged that these are guidelines only and matters or complaints may occur in which these guidelines are not appropriate. Where this is the case the Club should consult with British Rowing published policies and procedures for guidance.

In these guidelines the term “independent” as applied to a person shall mean a person who has not had any direct or indirect involvement in the dispute or complaint and should be as far removed from the individuals concerned as possible.

It is acknowledged that the Club exists in a small island community in which it may not always be feasible to identify persons who are completely independent from each other. Reasonable efforts should be taken to ensure that “independence” is achieved and that all conflicts (actual or perceived) are declared.

Resolving the Dispute or Complaint: Informally

1. The parties to a dispute or complaint should use reasonable means to settle the issue informally and amicably.
2. If such resolution cannot be achieved, the dispute or complaint shall be resolved according to these procedural guidelines.

Resolving the Dispute or Complaint: Club Committee

1. Where it is not possible for parties to resolve a dispute or complaint informally the matter should be addressed in writing to the Club for the attention of the Club Chair.
2. The Club Chair (or appropriate delegate) on receipt of the dispute information or complaint in writing shall send an acknowledgment to the person submitting the dispute or complaint that it has been received.
3. The Club Chair (or appropriate delegate) will raise the matter with the Club Committee as follows:
 1. Non-urgent matters will be added to the agenda of the next monthly Committee meeting for discussion; or
 2. Urgent matters will be addressed to the Committee as soon as possible in such manner as is appropriate depending on the nature of the matter at hand.
4. The Committee will deal with the matter at hand in an appropriate manner and seek to find a swift solution and/or resolution which will be communicated to the relevant parties.

Resolving the Dispute or Complaint: Independent Panel

1. Where it is not possible for the parties to resolve the matter informally between themselves, the matter involves a member of the Committee or the Committee as a whole or the matter is deemed by a party to have not been or cannot be appropriately addressed by the Committee the following steps should be followed.
2. The matter should be referred, in writing, to the Club Chair (or if it directly or indirectly relates to the Club Chair, the Vice Chair). The Club Chair (or suitable member of the Committee) should appoint an independent panel of three persons.
3. The panel should consist of three persons from within the Club and/or persons from another sports club or other appropriate organisation. Where possible individuals with appropriate experience or qualifications should be sought. An individual on the Committee should not form part of the panel unless it is deemed that i) it is appropriate and ii) they possess the

relevant qualifications and/or experience to deal with the matter. It is acknowledged that where possible Club matters should be kept “in house”.

4. The panel shall consist of persons who have not been involved in the dispute and where possible be independent from each other. The parties to the dispute or complaint shall be given the opportunity to object (on reasonable grounds) to any of the members of the panel within [seven] days of their appointment. Where the matter being referred to the panel is of material significance to the Club as a whole appointments to the panel may be referred to the Club members to approve.
5. The panel members shall appoint one of their number to act as the chair of the panel. The panel may elect an additional person (without any powers) to act as secretary to assist with co-ordination and record keeping. If a member of the Committee is appointed to the panel they should not act as Chair.
6. The Chair of the panel shall arrange the date of the hearing and notify the parties of the arrangements with sufficient notice.
7. The procedure shall be flexible and it shall be the responsibility of the Chair of the panel to ensure the orderly, fair and effective conduct of the hearing. The panel shall refer to British Rowing regulations on the conduct of hearings for guidance.
8. Each party must have a reasonable opportunity to give and call evidence, address the panel and present their case.
9. The panel shall come to a decision as soon as reasonably practicable after the hearing and notify the parties of its findings and decisions.

Appeals

An appeal may be made to a second independent panel established in accordance with these procedures with the exception that all members should be external to the Club.

An appeal can be made in respect of the findings of the panel on the following grounds:

1. Relevant information was ignored or not considered by the original panel.
2. The procedure was tainted by unreasonable bias or a conflict of interest that was not disclosed.
3. Relevant provisions of any procedure in this guidance or any other relevant policy or procedure adopted by the Club were not adhered to.
4. The first panel exceeded its jurisdiction.
5. The findings of the first panel were irrational or were findings that would not be reached by a reasonable panel.

Minors

If any party to a dispute or complaint is a minor the following special considerations apply.

1. A minor shall only attend a hearing if they wish to and the chair of the relevant panel has consulted with the minor and their parent/guardian and is satisfied that they both understand the nature of the hearing and what will happen and that the minor is competent to attend.
2. Any minor should normally be accompanied to a hearing by a parent, guardian or suitable adult.
3. If a minor does not attend in person their evidence shall be given as a written statement with the assistance of the Club Welfare Office or other person acceptable to the minor or the minor's parent/guardian.
4. After the hearing the chair of the panel shall inform the parent/guardian of the panel's findings and decisions and shall agree who shall inform the minor of the findings and decision.