



# Hinksey Sculling School

## Grievance, Disciplinary and Appeal Procedures

### Grievance Procedure

The object of these guidelines is to ensure good practice with regard to any individual of Hinksey Sculling School who may have a minor or formal complaint or feel that they have been unfairly treated by a member or officer of the Club, or by British Rowing.

Complaints made by a member or non-member about the club or a club official shall follow the procedures for investigation set out in accordance with the club's 'Whistleblowing Policy'.

Complaints made by a member or members about an occurrence of bullying shall follow the procedures for investigation set out in accordance with the club's 'Anti-Bullying Policy'.

The club will aim to deal with any grievance in a fair and timely manner. The guidelines are intended to supplement the existing constitution and set out the standard expected of the club when dealing with grievance or disciplinary matters.

Where an individual who is raising a grievance, or is the subject of a disciplinary case, is under the age of 18 years it is obligatory that the parents or legal guardians of that child must be informed and that the individual is accompanied during any mediation, hearing or appeal.

### **Stage One**

An individual with a complaint should first set out their grievance to the Director of Rowing. If the complainant is not satisfied with the outcome of discussions with the Director of Rowing, the complainant may escalate the complaint to the Chairman of Trustees. In both cases, the individual will be kept informed about the process that will take place, expected timescale and any possible outcomes. Information will be treated confidentially and shared only on a need to know basis during the process, unless there is an agreement between the parties to do otherwise.

Should the above process not lead to a satisfactory outcome, the officer receiving the complain will consider carefully the most appropriate method of dealing with that complaint. This may be through informal discussions or through a more formal hearing.

## **Stage Two**

### **Informal Mediation**

The club will identify a suitably qualified person who has not previously been involved in the dispute, in agreement with the complainant, to act as a mediator. The independent person will advise the terms of the procedure, for example who may attend and the conduct of the meeting. The outcome of this stage is not binding but may be referred to in any subsequent hearing or appeal as may any failure or refusal to participate in such proceedings.

### **Formal Hearing**

If the complainant is not satisfied with the outcome of informal discussions (or such a stage is not deemed to be appropriate) he or she must set out in writing his grievance and request for a hearing and send to the appropriate body within a reasonable timescale. This may vary depending on the issue at hand but should not, where possible, exceed three months.

The hearings panel will be appointed by the Board of Trustees, and will comprise an appointed a chair and two further independent members. All panel members should be independent of the dispute. The complainant should signify his agreement to the constituted panel.

The panel must give a fair and independent hearing to both sides of the dispute within an appropriate and agreed timescale. The complainant has the right to be accompanied to the hearing. Discussions will be well recorded and should be signed by all parties as a true record or not.

If either party chooses not to attend the hearing, the panel, if properly constituted, has the right to proceed with the hearing based on written submissions.

The outcome of the hearing, and sufficient reason to explain the outcome of the hearing, will be communicated to both parties within 14 days. If the outcome of the hearing is unacceptable to either body they have the right to appeal.

## **Disciplinary Procedure**

The purpose of the Disciplinary Procedure is to determine the action, if any, to be taken against a member subject to a complaint after it has been established that there has been an occurrence requiring formal action by a Disciplinary Panel.

When a Grievance Panel recommend progress to a Disciplinary Hearing or when the Club Chairman after consulting with the Board of Trustees considers that a member has contravened the Club's rules or Code of Conduct, or who is deemed to have brought the sport or the Club into disrepute, such that a direct reference to a disciplinary hearing is appropriate, the Club Chairman shall convene a Disciplinary Panel comprising an appointed chairman and a further two members who shall not have been involved with the matters of the hearing.

The club may ask for individuals from outside the club to sit on the panel. The Disciplinary Panel has the power to initiate an investigation, if deemed appropriate, including gathering

information or requesting reports or statements. There will be no further attempt at mediation at this stage.

The Disciplinary Panel shall arrange a hearing in a timely manner, preferably within 14 days of the panel being established. The member under investigation shall be informed of the date, time and place of any hearing and also be informed of the names of the Disciplinary Panel members.

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.

The panel must give a fair and independent hearing to the member under investigation within an appropriate and agreed timescale. The member under investigation has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a hearing. If the member under investigation chooses not to attend the hearing in person or by telephone if appropriate, the panel, if properly constituted, has the right to proceed with the hearing in their absence and/or based on written submissions and information available to them. A formal record will be made of the hearing.

The decision of the committee should be made in writing to the member under investigation within 7 days. Actions by the Disciplinary Panel can include:

- Issuing of a written warning
- Suspension of membership
- Expulsion from the club
- Recommendation that no further action be taken

### **Appeal Procedure**

The grounds of the appeal must be set out in writing and sent to the Chairman of the Board of Trustees within 14 days of the outcome of the initial hearing being known. An appeal should be granted where there is a 'strong arguable case' that either:-

- Relevant information was ignored or not considered by the original panel; or
- The disciplinary process was affected by unreasonable bias or conflict of interests; or
- The provisions of the disciplinary procedure were not adhered to; or
- The original panel exceeded its jurisdiction; or
- The findings of the original panel were irrational or otherwise exhibited an error of general law.

An independent appeal panel must be appointed, who have had no prior involvement in the matter. The appeal panel must convene in the same manner as for the original hearing.