

Tyne Amateur Rowing Club



Grievance and Disciplinary Procedure

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1 Introduction

Tyne Amateur Rowing Club (TARC), established in 1852, sits on the River Tyne at Newburn, about 7 miles west of Newcastle City centre. The club is a Charitable Incorporated Organisation (Registered Charity Number 1161250) the objects of which are the promotion of community participation in healthy recreation, in particular by the provision of facilities, encouragement and instruction in the sport of rowing, for the benefits of the inhabitants of Newcastle upon Tyne and surrounding areas.

This document describes the procedure to ensure that any instances of grievance/complaint, or in the event of disciplinary action having to be taken, a fair and thorough investigation is carried out leading to an appropriate outcome.

Note that there are two distinct procedures, they are linked in that circumstances may arise where one may lead to the other. The two procedures are:

- Grievance/ Complaint Procedure - where it is agreed at the outset that the outcome will not involve any penalties being imposed on any person, but perhaps a change effected.
- Disciplinary Proceedings - where the outcome may involve the imposition of a penalty.

TARC is affiliated to British Rowing and is required to adhere to British Rowing's Disciplinary and Grievance Regulations (sections 20-28 of [Regulations of British Rowing](#) which are on the Policies and Guidance webpage under 'Rules and Regulations'). Furthermore the club must conduct disciplinary and grievance cases in a manner that is materially consistent with British Rowing's Dispute Guidance ([Regulations of British Rowing](#) – Paragraph 25, and Appendix 4). The procedures described in this document come under the definition of a Club Dispute in the British Rowing regulations.

2 Grievance/Complaint Procedure

This can be invoked by anyone who is making authorised use of TARC's facilities. Note employees of TARC should refer to the Grievance and Discipline procedure in the staff handbook. The hoped for outcome is resolution by agreement. The procedure described below is intentionally adaptable to be more or less informal, to fit the wide range of its application. Note the terms "Grievance" and "Complaint" are used interchangeably in this document and for the purposes of this procedure have the same meaning.

- a) Any complaint (grievance) should be notified to the Chair of the Rowing Committee.
- b) The Chair of the Rowing Committee will discuss with the complainant how the issue can be best resolved, which may be by any informal means concluding at this stage, by agreement.
- c) Alternatively, it may be agreed to resolve the matter by the mediation of an independent person. Any mediation shall be conducted in an agreed manner.
- d) If a continued complaint is not resolved by mediation the complainant may request a hearing. In this event the complaint must be put in writing and notified to the Chair of the Rowing Committee within a reasonable timescale, which should not exceed 4 weeks.

- e) A Panel will be appointed to hear the complaint and will consist of 3 individuals (including the Welfare Officer in the case of a junior member or a vulnerable adult) nominated by the Chair of the Rowing Committee, and who are independent of the issues or any person directly involved. The complainants shall be given the opportunity to object in writing (on reasonable grounds) to any of the members of the panel within seven days of their appointment.
- f) The adopted procedure must be fair and appropriate to both the parties and the issues.
- g) A record of all the conduct of the hearing must be made, and the outcome notified, in writing with reasons given, within 14 days of conclusion.
- h) If the decision of the Panel is not accepted, an appeal may be notified in writing by the dissatisfied party to the Chair of Trustees within 14 days. No appeal will be permitted by the Chair of Trustees unless they find there are arguable grounds for considering that relevant information was ignored or not considered by the original Panel, the Panel was biased or was in any way unfair in its conduct of the hearing or the findings were unjustified.
- i) If an appeal is allowed the Chair of the Trustees will direct a rehearing to be conducted as the Chair of Trustees directs and consistent with the principles of fairness.
- j) A further second appeal may be made to the Regional Rowing Council but the grounds of such an appeal are limited to an appeal made on the basis that the Terms of Reference of the first appeal were not followed (that is, relevant information was ignored or not considered by the original Panel, the Panel was biased or was in any way unfair in its conduct of the hearing or the findings were unjustified).

3 Disciplinary Procedure

This applies where a member of the Club (including parents of juniors, supporters or anyone who has access to any of the Club's facilities with permission, hereafter referred to as the "member") is alleged to have broken TARC rules or codes of conduct or who has brought the sport of rowing or the club into disrepute and it is thought the imposition of a penalty may be appropriate if the conduct is substantiated. This may apply to any alleged breach of rules by a member whilst attending any competition attended by the Club. The framework described below is less flexible than the Complaint/Grievance Procedure because agreement is less of an ingredient.

- a) Where such conduct is alleged, the Chair of the Rowing Committee, or their nominee, shall specify the allegation in sufficient detail in a Notice given to the accused person ("the member") - or their parent if a junior - further informing them that the Disciplinary Procedure has been invoked and how it is proposed to enquire into the matter and the possible outcomes.
- b) The member shall be allowed to make representations on the procedure and timetable, and reasonable variations shall be made.
- c) Mediation - if both parties agree to attempt to resolve the issue by mediation, a mediator shall be appointed by the Chair of the Rowing Committee. In this event the procedure shall be further agreed and recorded and the record kept whether or not an agreed outcome is reached, and which may be referred to if repetition of misconduct is substantiated.
- d) If mediation is not successful no reference shall be made to it in these or in subsequent disciplinary proceedings.

e) Disciplinary Hearing

- Discounting any time taken by attempted mediation, the Notice given to the member should indicate a commencement date within 28 days.
- The Notice will further describe the procedure (which may be varied as a result of allowed representations made by the member) which will be followed.
- The Panel conducting the hearing will consist of 3 persons appointed by the Chair of the Rowing Committee (including the Welfare Officer, unless conflicted, in the case of a junior member or vulnerable adult) who have no conflict of interests.
- The member may be accompanied throughout all processes, and represented with leave of the Panel - such leave not to be unreasonably refused.
- In no circumstances will the Panel take into account any fact or matter which the member is unaware of and which they do not have an opportunity to challenge.
- Written and "expert" evidence may be received.
- If the member does not attend any notified hearing the enquiry may proceed in their absence, taking into account any explanation for absence which may have been given.
- The principle of fairness shall guide the Panel at all times and on all issues.
- The outcome of the hearing will be notified in writing within 14 days of conclusion of enquiry giving the findings and the basis of those findings in sufficient detail to justify, together with any penalty imposed.
- The penalty may be the restriction, withdrawal or suspension of any of the privileges of membership of the club. This may include:
 - Denial or restriction of use of club equipment and facilities or attending squad training,
 - Denial of the opportunity to race in competitions conducted under British Rowing rules
 - Denial of racking facilities for privately owned boats
 - Suspension of membership
 - Termination of membership. In the event that the outcome is a recommendation that membership be terminated, this must be notified in writing to the Secretary of Trustees. The Trustees will consider the termination of membership as per clause 9 (sub clause 9) of the Tyne ARC Constitution.

f) Appeal from the Disciplinary Hearing

- If the member wishes to appeal, Notice in writing, giving the grounds of appeal must be served on the Chair of Trustees within 14 days of notification of outcome.
- No appeal will be permitted by the Chair of Trustees unless they find
 - i. that relevant information was ignored or not considered by the original Panel or there are arguable grounds for considering that the Panel was biased or in any way unfair in its conduct of the hearing or
 - ii. it is arguable that the penalty imposed was excessive.
- In the event of i. above, the Chair of Trustees shall direct a fresh independent hearing.
- In the event of ii. above, the Chair of Trustees shall appoint a fresh independent Panel to consider this discreet issue and to impose any substitute appropriate penalty.

- All further hearings by way of appeal shall be conducted as directed by the Chair of Trustees and consistently with the principles described above and with the overriding aim to achieve fairness.
- g) A further second appeal may be made to the Regional Rowing Council but the grounds of such an appeal are limited to an appeal made on the basis that the Terms of Reference of the first appeal were not followed.

4 Reporting

All use of both the Grievance/Complaint and the Disciplinary procedures will be recorded, and summarised in a report notified annually to the Trustees by the Rowing Committee Chairman.

5 Relevant Policies and Procedures

The following policies and procedures are relevant to the Grievance/Complaint and Disciplinary procedure:

Policy/Procedure	Location
Tyne Amateur Rowing Club's Inclusivity	http://www.tynerowingclub.org/pages/inclusivity_statement_274612.cfm
Tyne Amateur Rowing Club's Welfare policy	http://www.tynerowingclub.org/pages/welfare_34464.cfm
British Rowing Discipline and Grievance Procedures	https://www.britishrowing.org/about-us/policies-guidance/disciplinary-and-grievance-procedures/
Tyne Amateur Rowing Club's Privacy Notice	http://www.tynerowingclub.org/pages/privacy_notice_272598.cfm
Tyne Amateur Rowing Club's Water Safety rules	http://www.tynerowingclub.org/pages/rowing_safety_16767.cfm
Tyne Amateur Rowing Club's Code of Conduct	http://www.tynerowingclub.org/pages/governance_16401.cfm

6 Version History

Date	Version	Author	Comments
08/01/2019	1.0	Colin Percy	Initial version
16/09/2024	1.1	Lyn Goldsmith	Draft for initial review. Document reformatted. Para 1 - added information on British Rowing requirements. Paras 2 and 3 – added referral to Staff handbook for employees. Clarified roles of Chair of Rowing Committee and Chair of Trustees. Added information on second appeal.
16/09/2024	1.2	Lyn Goldsmith	Draft for Trustees review incorporating comments from review of v1.1 (cosmetic and grammatical changes), see review form for collated comments.
30/09/2024	2.0	Lyn Goldsmith	Approved and published