



GRIEVANCE/COMPLAINT AND DISCIPLINARY PROCEDURES

Purpose and brief description

To ensure that any instances of grievance/complaint or in the event of disciplinary action having to be taken, there is a process in place for a fair and thorough investigation leading to an appropriate outcome. Both procedures are very important to the proper running of the Club, and all use will be recorded, and summarised in a report notified annually to the Trustees by the Management Committee Chairman.

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.

1. Grievance/Complaint Procedure

This can be invoked by anyone who is making authorised use of TARC's facilities. 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.

- a. Any complaint (grievance) should be notified to an officer of the Club
- b. The Chairman 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 secretary of TARC within a reasonable timescale, which should not exceed 4 weeks.
- e. The Panel appointed to hear the complaint will consist of 3 members of the club (including the Welfare Officer in the case of a junior member or a vulnerable adult) nominated by the
- f. Chairman, and who are independent of the issues or any person directly involved.
- g. The adopted procedure must be fair and appropriate to the parties and the issues.
- h. 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.

- i. 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 unless s/he finds there are arguable grounds for considering the Panel was biased or was in any way unfair in its conduct of the hearing or the findings were unjustified.
- j. If an appeal is allowed the Chair will direct a rehearing to be conducted as the Chair directs and consistent with the principles of fairness.

2. 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 penalty may be appropriate if the conduct is substantiated. This may apply to any alleged breach of rules 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 Chairman of TARC, or a person nominated by the Chairman, shall specify the allegation in sufficient detail in a Notice given to the accused person ("the member") - or his/her parent if a junior - further informing 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. 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**
 - o Discounting any time taken by attempted mediation, the Notice given to the member should indicate a commencement date within 28 days.
 - o 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 (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 s/he does 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 his/her 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 section 4 of the Tyne ARC Constitution.
- f. Appeal from the Disciplinary Hearing**
- If the member wish 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 s/he finds:
 - i. 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.



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- In the event of i. above, the Chair shall direct a fresh independent hearing. If the Chair considers a fair further hearing is not possible for any reason, the Chair is empowered to quash the proceedings entirely.
- In the event of ii. above, the Chair 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 be the Chair of Trustees and consistently with the principles described above and with the overriding aim to achieve fairness.
- The outcome of any appeal is final.