

RWSABC

11 December 2021 [corrected]

Guidelines on the grievance and disciplinary process

Principles

RWSABC recognises that within a club with a large and diverse membership, disputes will inevitably happen. It is preferable that these disputes are resolved informally.

Examples of informally dealing with a dispute could be:

- Face to face meeting between the complainer and complainant
- Informal meeting with support from a committee member(s) in order to find a resolution
- Mediation

Where this is not possible the complaint or dispute will be dealt with via more formal processes by the committee.

In hearing the complaint, the RWSABC will:

- Follow the rules of natural justice
- Act in good faith
- Be impartial
- Be equitable and fair
- Be non-discriminatory
- Maintain confidentiality

Within the bounds of RWSABC constitution and rules.

Process

- The timings discussed in this document are an ideal to be aimed for. As we are an amateur committee, many with full time jobs, there can be unexpected delays. However communication with all parties should be maintained if delays occur.
- It should also be noted that there are some circumstances where the actions could be considered gross misconduct and summary suspension would be required pending further enquiry.

- On receipt of a complaint the secretary will acknowledge receipt of the complaint within 7 days. If the complaint is deemed not to be competent after discussion by the committee, the complainer will be notified within 14 days as to the rationale.
- When the secretary has determined competency and the absence of conflict of interest, it will be sent to the Vice President.

Attempts should be made to resolve the dispute informally.

If there is thought to be a safeguarding issue, i.e., a child or adult with additional support needs, the safeguarding officer should be informed and involved in any action.

The committee will maintain confidentiality, in that the matter will be not be discussed with the wider membership.

On receipt of a competent complaint the Vice President may, if necessary, request that a panel is formed to undertake an investigation in accordance with the constitution and rules of the club. This will mean that the informal attempts stated previously have failed to resolve the matter.

The panel, consisting of at least 3 members of the club chosen by the committee, should be formed in timely manner but preferably within 14 days of receipt of the complaint unless agreed otherwise.

Within a further 14 days the secretary, on behalf of the panel, will notify the parties of the intention to consider the complaint and may either:

- Proceed directly to a hearing
- Request written submissions

If written submissions do not resolve the matter, then the panel will call a hearing and notify all parties of the date fixed for the hearing, by recorded letter, to the last known address of an individual.

The date will be a minimum of 7 clear days post notification.

The panel is required to act in accordance and within the bounds of RWSABC constitution, disciplinary, grievance and appeals guidelines.

Duties of the panel are to:

- Ensure the subject of the complaint is made aware of the detail of the complaint and has adequate opportunity to respond
- Ensure the complainant is made aware of the response
- Ensure all parties have the opportunity and time to present the issues involved and submit any response (14 days unless agreed otherwise)
- Convene a panel meeting, if necessary, to allow all parties to present their case and allow the panel to clarify evidential points.
- Consider the complaint and supporting evidence
- Consider if the constitution and rules of the club have been broken
- Consider if the club has been brought into disrepute
- Deliver its recommendations to the committee for a final decision
- Advise all parties of their right to appeal

Prior to any further action at least three members of the committee, not involved in the original investigating panel, should scrutinise the actions of the panel for compliance with the process.

The Hearing

The hearing will take place at a date and location notified to the parties and will be conducted by the panel convened for the purpose of hearing the complaint. The parties will be notified of the panel members with the hearing call notice.

The hearing will be conducted in a non-adversarial manner and in accordance with RWSABC policies.

The parties have the right to be accompanied by a lay supporter, friend, relative or member of the club. The purpose of the additional person is for moral support and advice. They should not interject in any discussion or debate. It may be necessary in some cases for separate meetings to be held.

The Parties will be afforded the right to present their case and the panel may question or clarify as it sees fit, including the provision of additional information or calling of witnesses to fact.

Extraneous matters will not be considered.

The Party(s) will have the right to challenge any evidence that has been presented.

An official record of the meeting will be made.

Post hearing

The committee* will consider the evidence that has been presented and will consider it in the context of RWSABC Policy and determine if:

- The constitution or rules of the club have been broken
- The club has been brought into disrepute
- Or any other reasonable grounds where a sanction may be imposed

And if so, what sanctions may be applied.

In making that determination, the committee* will take previous conduct into consideration and also ensure that any sanction is commensurate with the offence.

The party(s) will have no right of access to these deliberations.

Sanctions which may be applied are:

1. Verbal caution
2. Written caution
3. Suspension
4. Expulsion from the club.

Conclusions

The committee will, within seven days of the hearing:

- Notify the party(s), in writing, the decision of the committee*
- Notify the party(s) of any sanction that is to be applied
- State the reason for the decision
- Inform the party(s) of their right to appeal, the method and time limit for doing so.

* In the previous version, in the Post Hearing and Conclusions section, the word 'panel' was used by mistake at these locations, this has been corrected in this version to state 'committee'

Appeal

If the subject of the disciplinary process disagrees with the decision of the panel, they have the right of appeal. Appeals will be made in writing to the Vice Presidents' Council within 28 days of notification of the decision of the

panel. The VP council will be made by a minimum of 3 members but up to 5 members of the VP council.

The VP council will reach a decision within 21 days and notify the party(s) in the same ways as the original hearing. They will also inform the committee of their decision.

The appeal against an expulsion is a Special General Meeting.

Review of these Guidelines

These Guidelines will be reviewed in light of experience, comments received and where required, changing requirements.

The table below shows the reviews that have or will be undertaken.

| Review Date | Changes made |
|------------------|---|
| 11 December 2021 | This section on Review of these Guidelines was added |
| 19 December 2021 | The word 'panel' was replaced with 'committee' in the Post Hearing and Conclusions sections (these changes were highlighted with a *), the title at the top of the document was changed to '11 December 2021 [corrected]', next review date set as 15 February 2021 |
| 15 February 2021 | Next scheduled review |
| | |

Flowchart

A flowchart to describe the process is shown on the next page. As stated on this flowchart where differences exist between the flowchart and the written guidelines the written guidelines will take precedence.

RWSABC Grievance and Disciplinary Process Flowchart 7 December 21

