



Guidelines on Grievance and Disciplinary Procedures in Rowing

The object of these guidelines on Grievance and Disciplinary procedures is to ensure good practice with regard to any individual, club or regional rowing council who may:

- a) have a complaint or feel that they have been unfairly treated by an affiliated Member of British Rowing, a Regional Rowing Council, or by British Rowing itself (each an Organisation); or
- b) be the subject of any disciplinary procedures by an Organisation;

and to ensure that the matter is fairly dealt with at the appropriate level in a fair and timely manner.

The guidelines are intended as a guide to best practice in the operation of Organisations' existing constitutions. They are not intended to replace existing grievance, disciplinary or appeal procedures which are already in place in respect of competitions, national team selection, child protection or water safety, nor are they intended to replace or override the relevant procedures existing in the Organisation involved in the grievance, complaint or disciplinary issue or in any individual's contract of employment.

This framework should be used at the level appropriate to the grievance, for example an individual with a complaint about treatment by a club should set out their grievance, in the first instance, to that club's chairman, president or as otherwise outlined in the Organisation's constitution or rules.

Both the subject and object of any complaint, grievance or disciplinary procedure should be kept informed about the process that will take place, the expected timescales and any possible outcomes. Information should be treated confidentially and shared on a need to know basis during the process, unless there is an agreement between the parties to do otherwise.

Please note that where a Complainant or 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 hearing or appeal.

Grievance Procedure *(see flowchart)*

The officer at an Organisation receiving a complaint should consider carefully the most appropriate method of dealing with that complaint. This might be through informal discussions with the parties concerned, or through a more formal hearing. It is important that there is clarity about the procedure to be followed whatever course of action is proposed and that all parties are made aware of the procedures and process that will be put in place. It is recommended that informal discussion or mediation is tried, if appropriate, before a formal hearing procedure is implemented.

If the Organisation receiving a grievance wishes to try to resolve informally in the first instance they should identify a suitably qualified person who has not previously been involved in the dispute, in agreement with all parties.

Such a stage is not obligatory but may help to clarify any misunderstandings or help identify the issues in dispute and may serve to resolve the issue before initiating a formal hearing.

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.

Hearing

- If the Complainant is not satisfied with the outcome of informal discussions (or such a stage is not deemed to be appropriate) he must set out in writing his grievance and request for a hearing and send to the Organisation within a reasonable timescale. This may vary depending on the issue at hand but should not, where possible, exceed three months.
- The hearings panel should be appointed by the relevant Organisation.
- At a minimum it should comprise a chairman and two independent members one of whom may have relevant 'expert' knowledge. All panel members must 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 by a person of his or her choosing to any hearing or other meetings in connection with a hearing. The Organisation should ensure that the Complainant is aware of this right prior to any such hearing or meeting.
- Discussions should be well recorded in writing.
- Hearings can be conducted in person or, if this is not practicable, by telephone conference.
- If either party 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.
- The outcome, and sufficient reason to explain the outcome, of the hearing must be communicated to both parties within 14 days.
- The panel should be aware of the possible outcomes of the hearing, including referring the conduct of either party to a Disciplinary Panel
- If the outcome of the hearing is unacceptable to either party they have the right to request an appeal.

Appeal procedure

If either party wishes to appeal against the outcome of the hearing they should set out the grounds on which they wish to appeal in writing. This letter should be sent to the chairman of the Organisation 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 grievance procedure was tainted by unreasonable bias or conflict of interests; or
- the provisions of the Organisation's grievance procedure or these guidelines were not adhered to; or
- the original panel exceeded its jurisdiction; or
- the findings of the original panel were irrational or wrong in law.

If an appeal is granted, the Organisation must appoint an independent appeal panel to consider the appeal, none of whom have had any prior involvement in the matter.

The appeal panel should be constituted along the same principles as the hearings panel outlined above.

The chairman of the appeals panel should convene a hearing of the appeals panel in a timely manner and, in consultation with the other panel members, will decide the conduct of the proceedings. If appropriate he may request written submissions and the appeals panel may or may not request the parties to be attend in person or by telephone.

The appellant has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with an appeal. The Organisation should ensure that the appellant is aware of this right prior to any such hearing or meeting.

Discussions should be well recorded in writing.

The outcome and sufficient reason to explain the outcome of the appeal panel should be communicated to both parties within 14 days of the appeal panel hearing.

The outcome of the appeal will be final.

Some bodies such as the FA and the LTA require an appellant to lodge an appeal fee which is non-refundable. This has the advantage of being a slight deterrent to the lodging of vexatious appeals and also goes some way

to alleviating the administrative burden involved in facilitating an appeal hearing. Organisations may choose to charge such a fee, but this should not be used to frustrate an appeal which on the face of it may have merit.

Disciplinary Procedure

Where an Organisation wishes to discipline an individual or another Organisation who has contravened the disciplining Organisation's rules or code of conduct, or who is deemed to have brought the sport or the disciplining Organisation into disrepute, a similar framework should be adopted as outlined below. This framework lays out the principles required to ensure a fair and transparent process is followed and natural justice is done.

Disciplinary hearing

- The disciplining Organisation must set out in writing the details of the disciplinary case including, where possible, details of any rules or agreements that have been deemed to be contravened and sent to the person or Organisation accused within a reasonable timescale. This notice should contain details of the disciplinary procedure, including timescales, and the right of appeal.
- A disciplinary hearings panel should be appointed by the disciplining Organisation in line with its constitution.
- At a minimum the panel should comprise a chairman and two independent members one of whom may have relevant 'expert' knowledge. Wherever practical, the panel members should have no conflicts of interest but in the event that this is not possible any panel member with a conflict must declare it to all parties to the proceedings
- The individual or Organisation against whom the disciplinary action is being taken has the right to be accompanied by a person of his, her or its choosing to any hearing or other meetings in connection with a disciplinary hearing. The Organisation should ensure that the person being subject to the disciplinary proceedings is aware of this right prior to any such hearing or meeting.
- The panel must give a fair and independent hearing to both sides of the dispute within an appropriate and agreed timescale.
- If either party chooses not to attend the hearing, the panel, if properly constituted, has the right to proceed with the hearing in their absence and/or based on telephone conference calls or written submissions.
- The panel may wish to call on 'expert' witnesses for advice.
- Discussions should be well recorded in writing.
- The result of the hearing, with sufficient reason to explain the result, must be communicated in writing to both parties within 14 days of the date of the hearing.
- The panel and the accused should be aware of the possible outcomes of the disciplinary hearing in line with the disciplining Organisation's constitution.
- If the outcome of the hearing is unacceptable to either party they have the right to request an appeal.

Appeal procedure

If either party wishes to appeal against the outcome of the disciplinary hearing they should set out the grounds on which they wish to appeal in writing. This letter should be sent to the chairman of the Organisation 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:-

- a) relevant information was ignored or not considered by the original panel; or
 - b) the disciplinary process was tainted by unreasonable bias or conflict of interests; or
 - c) the provisions of the disciplining Organisation's disciplinary procedure were not adhered to; or
 - d) the original panel exceeded its jurisdiction; or
 - e) the findings of the original panel were irrational or otherwise wrong in law.
- Where an appeal hearing is granted, the Organisation must appoint an independent appeal panel to consider the appeal, none of whom have had any prior involvement in the matter.
 - The appeal panel should be constituted along the same principles as the hearings panel outlined above. The chairman of the appeals panel should convene a hearing of the appeals panel in a timely

manner and, in consultation with the other panel members, will decide the conduct of the proceedings. If appropriate he may request written submissions and the appeals panel may or may not require the parties to be attend in person or by telephone. If they do attend the appellant has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with an appeal. The Organisation should ensure that the appellant is aware of this right prior to any such hearing or meeting.

- Discussions should be well documented.
- The outcome of the appeal panel, with sufficient reason to explain the outcome will be communicated to both parties within 14 days of the appeal panel hearing.
- The outcome of the appeal will be final.

COMPLAINTS PROCEDURE FLOW CHART

