

GRIEVANCE AND COMPLAINTS POLICY

1. INTRODUCTION

- 1.1 South Ayrshire Swim Team is committed to creating an environment with open and honest communication at all levels. It recognises however there may be occasions when problems or concerns arise and may require a facility to raise these and have them addressed.
- 1.2 The purpose of this policy, in line with Scottish Amateur Swimming Association, is to provide a framework that will enable anyone to raise issues, informally in the first instance, and where agreement cannot be reached, the opportunity thereafter to raise issue formally. Issues raised will be dealt with promptly and in strict confidence.
- 1.3 It is acknowledged that it is in everyone's interest that matters are resolved at a local level. However it is recognised that not all grievances will be capable of being resolved at an informal level and recourse to formal procedures in some instances will be required.

2. GENERAL PRINCIPLES

- 2.1 The Grievance and Complaints Policy is divided into two clear areas which are dealt with separately:
 - A) Grievance Procedures – These will be dealt with at Club Level
 - B) Complaints Procedures – Scottish Swimming will deal with these, if not resolved at Club Level.

*It should be noted that all complaints/appeals made to Scottish Swimming **must firstly have exhausted by the Club's Grievance and Complaints procedure.***

3. CLUB ENQUIRY PANEL (CEP)

- 3.1 A Club Enquiry Panel shall be appointed for the purpose of hearing the grievance and shall be established by the Club.
- 3.2 The Club Enquiry Panel shall be appointed from three members of the Management Committee who are not solely members of the Club Executive.
- 3.3 No Panel Members shall participate in a hearing in which they have a personal involvement with either the subject matter or the parties to the grievance or be present at such a panel.
- 3.4 One member should be appointed as Chairperson of the Panel and the Club Administration Manager should carry out the administration for all grievances.

4. PROCEDURE

- 4.1 A Grievance is made to the Club on the appropriate form, which can be obtained by contacting the Club Administration Manager.
- 4.2 The written grievance must reach the Club no later than 30 days after the incident that gave rise to it, but the CEP Chairperson may, at their discretion, extend this period.
- 4.3 The written grievance must detail the matter(s) with which the complainant is dissatisfied and the reasons for their dissatisfaction.
- 4.4 Within 14 days of receipt of a grievance, the Club shall send a copy to each of the parties who are involved, and the Chairperson of the Club Enquiry Panel.
- 4.5 The CEP shall arrange the date and venue for the Club Enquiry Panel to consider the grievance, which must be within 60 days (which may be extended due to unavoidable circumstances) of receipt of the grievance and shall give the parties at least 14 days notice of the arrangement.
- 4.6 The Chairperson of the CEP may seek written or verbal evidence from any person who may be able to help the hearing.
- 4.7 The proceeding shall be flexible and shall be at the discretion of the Chairperson of the CEP who shall ensure that manuscript notes of the proceedings are taken.

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5. OUTCOME

- 5.1 If any question concerning the interpretation of General Law arises, the Chairperson of the CEP must seek the written advice of a Legal Advisor
- 5.2 In any case where a grievance is upheld a record of any previous offences of the person concerned shall be sought by the Chairperson of the Panel before the Panel considers the imposition of a penalty.
- 5.3 A Panel may make whatever judgement it considers just, including the imposition of exclusion/suspension for a period.
- 5.4 The Chairperson of the Panel at which the grievance is heard shall arrange for the decision to be communicated in writing to the parties, and the Club, within 14 days of the date of the meeting.
- 5.5 The Chairperson of the Panel at which the grievance is heard shall arrange for a copy of the finding, with all attendant documents, to be sent to the Club Administration Manager for record.

6. SUSPENSIONS

Powers of the Club

- 6.1 For a breach of the rules, the Club may suspend a member from any activities, provided that before doing so, the member of the alleged offence is informed and the requirements of the governance documentation has been satisfied.

Powers of the Club Enquiry Panel

- 6.2 The Club Enquiry Panel may impose suspensions on individuals and/or Clubs, provided the requirements of the governance documentation have been satisfied.

Suspensions

- 6.3 A person under suspension shall not participate in any activity organised by the Club or controlled by the Club except as in their governance documentation.
- 6.4 Where appropriate a person may be given a limited suspension provided the limitation(s) are clearly defined (e.g. a person may be suspended from all competition activities but allowed to continue in training and administration activities.
- 6.5 An eligible competitor taking part in competitions, exhibitions or demonstrations with someone whom they know to be under suspension may themselves be suspended.
- 6.6 Suspension by the Club Enquiry Panel shall be binding on all Clubs and Districts of SASA.

7. APPEALS

- 7.1 There is LEAVE TO APPEAL against a decision taken by a Club or any individual(s) or organisations empowered to act on behalf of the Club
- 7.2 In dealing with Appeals the appropriate body to consider an appeal is as follows:
For a decision of a club or the Club Enquiry Panel: The National Arbitration Panel.
- 7.3 Decisions arising from the normal course of business of a Club on administrative and technical matters, appointments and selection of teams may not be the subject of an appeal.
- 7.4 When Leave to Appeal is made, the decision against which the appeal is being made shall be suspended, except in exceptional cases which shall include but not be limited to, circumstances where Child Protection is an issue.
For the avoidance of doubt Scottish Amateur Swimming Association will decide whether or not the case is an exceptional case for the purpose of the forgoing sentence.