



fitmumsTM
and friends

Grievance, Complaints and Disciplinary Policy

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Produced by	Sam Barlow
Reviewed by	Tony Sutton
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Grievance and Disciplinary Policy

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1. About this Policy

1.1 This policy will provide a framework for any grievance, complaint and subsequent disciplinary procedure relating to or in connection with Fitmums and Friends.

2. Complaints and Disputes

2.1 All concerns, allegations or reports of malpractice or abuse relating to the welfare of children or vulnerable adults will be recorded and responded to appropriately and without delay, in accordance with Fitmums and Friends safeguarding policy and procedures. The overarching Welfare Officer shall be the lead Officer for all Members in the event of any safeguarding concerns.

2.2 Any complaints of misconduct (improper or unprofessional conduct) regarding the behaviour of Members or Officers shall be dealt with by Fitmums and Friends in accordance with its disciplinary and appeals process and must be presented in writing, as detailed in Appendix 1. Unless exceptional circumstances apply, complaints will be addressed within fourteen days of receiving a complaint. If the complaint is sufficiently evidenced, a Disciplinary Panel may be convened with people who have no direct or indirect interest/involvement in the matter). Subject to Clause 3 below, a decision of the disciplinary panel shall be final and conclusive.

2.3 Any appeals must be received by the Deputy Chief Officer within 7 (seven) days of receiving the written decision and, if appropriate, the appeals process will be followed.

2.4 Any complaints of serious misconduct (including, without limitation, theft, doping, violations, fraud, physical violence, safeguarding policy breaches, serious breach of applicable health and safety, gambling and/or ticketing regulations or any act or omission of the Member or Officer which in the opinion of England Athletics, acting reasonably, brings or is likely to bring the sport of athletics into disrepute) regarding the behaviour of Members or Officers shall be reported and dealt with by England Athletics in accordance with its Disciplinary Procedures.

2.5 If a dispute arises between any Members or Officers of the Club about the validity or propriety of anything done by any Member or Officer under these Rules and the dispute cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute by mediation before resorting to litigation.

3. Disciplinary and Appeals Process

3.1 This process exists to assist Fitmums and Friends to implement a clear process to follow whilst dealing with misconduct complaints within the Club environment or wider charity.

- **Step 1:** All complaints regarding the misconduct of club members should be submitted in writing to an identified lead person as detailed in Appendix 1. Where the matter relates to the person who should receive a complaint, another individual is appointed. The content of a complaint will include specific details and evidence in relation to the infringement of Club Rules or any other offence or misconduct carried out during or in association with athletics activities which might reasonably be considered as bringing or having the potential to bring the organisation into disrepute.
- **Step 2:** Upon receipt of a formal complaint, the identified lead person shall, having taken, and subject to, such advice as he or she considers it prudent to take in the circumstances, write to the Member or Members concerned to inform them of the complaint and to invite them to comment in writing within fourteen days upon the relevant allegations.
- **Step 3:** On completion of step 2, the identified lead person will determine if the complaint has sufficient grounds and is capable of being pursued based on the evidence/statements provided and will dismiss any frivolous complaints at this stage. If the matter is sufficiently evidenced a process will be pursued. The identified lead person will appoint 3 club members to sit on the Disciplinary Panel, none of whom have had any direct interest or involvement in the matter.
- **Step 4:** The Disciplinary Panel or Hearing will consider the matter on receipt of the initial complaint and formal responses from the member(s) involved. The Disciplinary Panel will have the power to suspend temporarily from membership any Member accused of an offence or misconduct, pending further investigations or enquiries. This suspension shall be to facilitate the investigation and be without prejudice to the outcome of the investigation. The Disciplinary Panel/Hearing will make such further enquiries as it thinks fit and will offer a reasonable opportunity to any Member concerned, who may be accompanied by a supporter, if so desired, to meet with it and answer the allegations and the Disciplinary Panel/Hearing will hear such witnesses as are reasonably produced. The Disciplinary Panel/Hearing will make such procedural provisions as necessary for the just and efficient disposal of the case. If the Disciplinary Panel/Hearing is satisfied that an offence of misconduct has been committed by a Member, then it may impose one or more of the following actions:

- note the offence or misconduct but take no further action;
- formally warn the Member concerned as to future conduct;
- suspend or disqualify the Member from club athletic competition, club coaching and/or administration and/or use of the Club's premises for some definite or indefinite period;
- recommend to the relevant governing body that the Member be disqualified from any involvement in athletics for some definite or indefinite period and/or;
- terminate the membership or such other penalty as the Disciplinary Panel considers appropriate.

3.2. All parties concerned will be provided with the Disciplinary Panel's/Hearing formal written outcome notification by hand or by recorded delivery within seven days of the decision.

▪ **Step 5 – Appeal Process**

- The letter notifying the decision of the Disciplinary Panel shall also set out the right to Appeal. The accused and/or the Complainant, may appeal against the decision of the Disciplinary Panel/Hearing, by serving a Notice of Appeal within seven calendar days of receiving the written decision. The Notice of Appeal must state the grounds on which the verdict of the Disciplinary Panel is challenged. The identified lead person shall acknowledge a Notice of Appeal within seven calendar days of its receipt and will cast a decision in regards to 'the grounds on which the verdict is challenged', if there are sufficient grounds/evidence provided to support the challenge, the Appeal Panel process will commence, if there are insufficient grounds, the appeal will be dismissed. The identified lead person, shall appoint an Appeal Panel of three members who have not been involved directly, either in the events giving rise to the Hearing, or in the initial Disciplinary Hearing itself. The identified lead person shall inform all parties concerned of the composition of the Appeal Panel. Either party may object to the composition of the Appeal Panel by notifying the identified lead person of the Objection and setting out the reasons for such an Objection no later than seven calendar days from the date of being informed of the composition of the Panel. The identified lead person, within fourteen calendar days from the date of receipt of an Objection, will notify in writing the parties that either:
 - the composition of the Panel has changed, in which case the identified lead person shall provide details of the new Appeal Panel; or
 - the composition of the Panel has not changed, in which case the Identified Lead Person shall give reasons why it has not accepted the Objection.

3.4 Within fourteen calendar days from the date the Identified Lead Person responds to the Objection above (as appropriate), the Identified Lead Person shall give such directions to all parties that include;

- the date and place at which the Appeal Panel will meet to determine the Appeal.
- whether the appeal will proceed by way of written submissions or an oral hearing; and whether the parties should be required to submit statements of their evidence and/or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.

3.5 Powers of the Appeal Panel

- The Appeal Panel shall meet on the date fixed by the Identified Lead Person. The Appeal Panel may at its sole discretion disregard any failure by a party to adhere to this appeal procedure and may give such further directions as may be appropriate.
- Any such hearings shall be in private unless all parties agree otherwise, or unless the Appeal Panel directs. The Appeal Panel shall have power to make a decision on the facts as it thinks fit and may:
 - Quash the original decision;
 - Confirm the original findings
 - Request that the case be reheard (re-trial)
 - Increase the original sanction;
 - Abate the original sanction;
- The Appeal Panel shall inform all parties of its decision within fourteen calendar days together with written reasons for its decision. The decision of the Appeal Panel shall be final. The Appeal Panel shall decide on any issue by majority.
- A supporter can be a legal representative, who must be named, and may accompany the Complainant/Accused throughout the appeal process.

3.6 Records of Hearings and Appeals

- The decision of a Disciplinary Panel/Hearing, including Appeal Panel/Hearing, shall be recorded and retained in confidential records for a period of six years by Fitmums and Friends. Supporting documentation shall also be retained in the same fashion.

4. Notification to UK Athletics (UKA) and England Athletics (EA)

4.1 Where appropriate the Panel Chair, once the Appeal notice has expired, will inform EA/UKA;

4.2 **Disciplinary Hearing** – details of a decision, including sanctions imposed, will be communicated to EA and/or UKA if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. EA/UKA may determine to publish details on their websites.

4.3 **Appeal Panel** – details of a decision, including sanctions imposed, will be communicated to EA and/or UKA if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. EA/UKA may determine to publish details on their websites.

5. Co-operation of All Parties

5.1 The procedures described in these Discipline Procedures assume that all parties will co-operate in the interest of resolving the issue in question. In the absence of such co-operation, or if it is withdrawn at any stage, the organisation reserves the right to proceed with a Hearing or an Appeal based on such evidence and information as it is able to obtain.

5.2 When dealing with a complaint, the Identified Lead Person or nominated Club representative shall be entitled to take, or omit to take, such action as is recommended pursuant to legal advice received from a legal practitioner whom the Identified Lead Person reasonably believes is competent to provide such advice and/or EA's legal representative service for affiliated members (contact EA Membership Services for further details on 0121 347 6543).

Appendix 1

Complaint Procedure for Members

Report complaint to Club Co-ordinator (CC)

NB: if complaint relates to CC then direct complaint to Club Welfare Officer

CC raises incident form & discusses with Delivery Group

If not resolved – report to Club Liaison Lead

If not resolved – report to Overarching Welfare Lead

If not resolved – report to Deputy Chief Officer/Chief Officer

If not resolved – report to Trustees

A Disciplinary Panel would be made up of the following:

Club Liaison Lead

Overarching Welfare Lead (OWL)

Deputy/Chief Officer

Appendix 2

Complaint Procedure for issues relating to all sessions not linked to a local club

Report complaint to Lead Coach for the session

Lead Coach raises incident form

NB: if complaint relates to Lead Coach for the Session then direct complaint to another senior Coach

If not resolved – report to a Senior Coach

If not resolved – report to Overarching Welfare Lead

If not resolved – report to Deputy Chief Officer/Chief Officer

If not resolved – report to Trustees

A Disciplinary Panel would be made up of the following:

Senior Coach

Overarching Welfare Lead (OWL)

Deputy/Chief Officer

Appendix 3 Complaint Procedure for Central Team

Report complaint to Supervisor (the person you have your 1-1 with)

Supervisor raises incident form

NB: if complaint relates to Supervisor then direct complaint to Overarching Welfare Officer

If not resolved – report to Overarching Welfare Lead

If not resolved – report to Deputy Chief Officer/Chief Officer

If not resolved – report to Trustees

A Disciplinary Panel would be made up of the following:

Supervisor (other senior member of team if complaint relates to supervisor)

Overarching Welfare Lead (OWL)

Deputy/Chief Officer

