

Tri Team Wessex

Complaints Procedure (2019)

1 Principles

1.1 Where possible Tri Team Wessex will seek to resolve complaints informally at a committee level.

1.2 Where a complaint cannot be resolved informally, a formal complaint should be made in writing to the Club Chairman. Formal complaints will be investigated by an individual or panel appointed by the Club's Committee.

1.3 It is intended that complaints procedures should;

- a) be easily accessible
- b) ensure that all complaints are fully and fairly investigated
- c) ensure that the complaints process should provide an effective response
- d) ensure that appropriate redress is made

1.4 Tri Team Wessex will respect complainants' desire for confidentiality wherever possible.

1.5 Tri Team Wessex will use the feedback provided by both informal and formal complaints to ensure that its systems and services are improved.

2 What is a Complaint?

2.1 A complaint is an expression of dissatisfaction with the conduct of the organisation, its committees, volunteer officers, athletes, or with alleged unfair practice in connection with the sport.

2.2 Grounds for a complaint shall include but shall not be limited to the following:

- a) if the conduct of any individual, body, or organisation brings or is likely to bring the sport into disrepute
- b) the violation of Tri Team Wessex's Constitution or Procedures

2.3 A Complaint may be made by:

- a) a member of Tri Team Wessex where the complaint concerns the Tri Team Wessex
- b) the parent of or other person with parental responsibility for a member of Tri Team Wessex under the age of 18 years on his/her behalf
- c) any third party where the complaint concerns Tri Team Wessex

2.4 No complaints may be made under this policy regarding decisions made by referees at competitions held under the jurisdiction of the Tri Team Wessex. Appeals procedures exist in respect of these matters.

3 Informal Complaint

3.1 It is clearly desirable for any complaint to be resolved informally where possible and it is hoped that every attempt will be made to achieve this. An informal complaint can be made either verbally or in writing to the appropriate committee member or the committee of the Tri Team Wessex directly. Every effort will be made to resolve informal complaints to the satisfaction of the complainant.

Where it has not been possible to resolve the matter informally, the Formal Complaints Procedure should be invoked. The request should be made in writing to the Club Chairman. If the complaint concerns the Club Chairman, the complaint should be made to the club's committee directly.

4 Formal Complaint

4.1 A formal complaint should be made in writing to the Club Chairman where a complaint has not been resolved informally or where the matter is of a serious nature. Complaints of a serious nature would include gross misconduct, negligence or matters concerning the protection of young people or vulnerable adults. A written complaint shall only be considered if it includes the name, address and signature of the complainant. Verbal and anonymous complaints shall be disregarded.

4.2 A complaint must normally reach the Club Chairman no later than thirty days after the alleged incident that gave rise to it.

4.3 Complaints that fall outside the jurisdiction of the Tri Team Wessex may be referred to an appropriate body for their consideration.

4.4 Complaints regarding the protection of children or vulnerable adults may be referred to the Police or Social Services.

4.5 Complaints alleging criminal activity may be referred to the Police.

4.6 The Club Committee will appoint an Investigating Officer(s) to investigate the allegation. The Investigating Officer(s) will be independent of the matter being investigated and will remain impartial.

4.7 The Investigating Officer(s) shall have the power and discretion to co-opt, from time to time, additional persons with specific skills or experience to assist in the carrying out of their duties.

4.8 If the Investigating Officer(s), to whom a complaint has been referred, is not satisfied that it meets the criteria for a complaint he/she/they may refuse to allow it to proceed.

4.9 Where a complaint is lodged more than thirty days after an alleged incident giving rise to the complaint, and where the Investigating Officer(s) is satisfied that it is in the interest of the sport to do so, they may permit the complaint to proceed. Before arriving at a decision they may require an explanation of the delay in making the complaint.

4.10 The Investigating Officer(s) shall notify all interested persons and/or bodies immediately of any decision by them, whether or not to allow a complaint to proceed, setting out the reasons for the decision.

4.11 The parties to the complaint shall be entitled to appeal against any such decision of the Investigating Officer(s) to the Club's Committee provided that the notice of appeal, setting out the grounds for appeal, is lodged with the Club Chairman within 21 days of the date upon which the Investigating Officer(s) sends the written notification of the decision.

4.12 The Club's Committee shall consider the grounds of appeal. In the case of an appeal against a decision of the Investigating Officer(s) to allow a complaint to proceed, they may invite a written submission from the complainant. They may confirm or reverse the decision made by the Investigating Officer(s) and may grant or refuse permission to proceed with the complaint. The decision of the Club's Committee shall be final.

4.13 If the Club's Committee allows an appeal against the refusal of the Investigating Officer(s) to allow a complaint to proceed on the grounds of the

lateness of the complaint, the party against whom the complaint has been made may raise the lateness of the complaint as an issue at the hearing.

5 Complaints - Complaints & Conduct Panels

5.1 Tri Team Wessex may appoint a panel of suitably qualified individuals to hear and adjudicate on complaints or to conduct disciplinary hearings. The individuals appointed by Tri Team Wessex will be independent of the matter to be heard, will remain impartial and will have specific competences and experience of investigations and disciplinary proceedings.

5.2 Where Tri Team Wessex is required under its articles, policies or rules to conduct a hearing or review, it shall appoint a panel to undertake these duties.

6 Investigations

6.1 Where a formal complaint has been received Tri Team Wessex may appoint one or more individuals to conduct an investigation.

6.2 The Investigating Officer(s) may request that other individuals, participate and give evidence and/or that further written documents or other evidence be supplied by any or all of them.

6.3 Any improper contact, approach or attempt to influence or intimidate any Investigating Officer(s), witness or representative either in person or through an intermediary must be immediately reported to the Investigating Officer(s) who may take such action as they deem appropriate. Such conduct may in itself form the subject of a complaint.

6.4 It shall be for the complainant to prove the complaint on a balance of probabilities.

7 Decisions

7.1 The Investigating Officer(s) shall report their findings to the Club's Committee, who make their decision on cases before it by majority.

7.2 The Club's Committee may make whatever order it considers just, including the imposition of a financial penalty and/or suspension for a period.

7.3 The decision of the Club's Committee shall be final and binding. It will be communicated to the complainant in writing by the Club Chairman of Tri Team Wessex.

8 Confidentiality

8.1 As far as is practicable, confidentiality shall be preserved in the investigation of a complaint. Such an approach is in the interest of both the complainant and any other person or persons involved. If however, another person is named in a complaint, we believe that normally they should know what is said about them and who is making the complaint. Tri Team Wessex may also take action if a complaint is found to be malicious or vexatious.

8.2 The Investigating Officer(s) and Complaints and Conduct Panels shall be responsible for conducting investigations into formal complaints, conducting hearings, where it has been determined there is a case to answer.

8.3 The Investigating Officer(s) and Complaints and Conduct Panels may recommend provisional suspension of an individual, group or member whilst they are conducting an investigation or prior to a full hearing of the matter.

9 Arbitration Agreement

9.1 The complainant and Tri Team Wessex agree to submit any dispute concerning any matter connected with or arising out of this complaints policy and procedure exclusively to binding arbitration to be conducted by an arbitrator (or panel) appointed by the UK Sports Dispute Resolution Panel (SDRP) and pursuant to any rules as to the conduct of the arbitration laid down by SDRP (or the Arbitrator so appointed). The Parties agree that they will not commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of this Procedure to any court of law or any other dispute resolution procedure. The outcome of the SDRP arbitration shall be final and binding.