



BLACKHEATH & BROMLEY HARRIERS AC

GRIEVANCE & DISCIPLINARY POLICY AND PROCEDURES

INTRODUCTION

Blackheath & Bromley Harriers Athletics Club ('The Club') recognizes that, from time to time, disputes between and allegations of misconduct against members of the Club can occur. Where the dispute or allegation concerns behaviour that contravenes any of the Rules of Club membership and its Code(s) of Conduct, the following process should be followed.

This policy shall not apply to employees of Norman Park Track Management Limited when acting in that capacity: the terms of their employment contract and employment law shall apply.

OUR AIMS

It is the Club's aim to: -

- ❖ Ensure adequate duty of care to all members of the Club during their participation in Club activities.
- ❖ To fairly and impartially review any complaints brought against a member of the Club concerning their participation in Club activities.²
- ❖ To use appropriate discretion and confidentiality when reviewing and addressing any complaints and disputes.

THE POLICY AND PROCEDURES

1. All relevant complaints regarding the conduct of Club Members, or of any other person (for the purposes of this policy an 'Affiliate') who is bound by any of the Club's Codes of Conduct, should be submitted in writing to the Honorary Club Secretary (the 'Secretary'), who shall promptly acknowledge receipt.³ Should the matter relate to, or otherwise involve the conduct of, the Honorary Club Secretary, the complaint should be submitted to the Club's Welfare Officer. (In such a case, the Welfare Officer shall proceed, and the matter shall be dealt with, according to these procedures as if references to the Secretary were replaced by references to the Welfare Officer.)
2. A complaint shall be considered to be a relevant complaint where its subject matter concerns any of: (i) the infringement of Club Rules; (ii) the breach of any Club Code of Conduct; and (iii) any offence or other misconduct taking place in the course of or relating to athletic or other Club activities or on Club premises, including inappropriate use of social media facilities, which might reasonably be considered as bringing, or having the potential to

bring, the Club into disrepute or as causing, or having the potential to cause, harm to, including to the reputation of, one or more Club Members or of any other person who is bound by a Club Code of Conduct.⁴

3. All concerns, allegations or reports of misconduct or abuse relating to the welfare or safeguarding of children or vulnerable adults will be referred promptly by the Secretary to the Club Welfare Officer. The Club Welfare Officer will record the matter and respond swiftly and appropriately in accordance with the Club's Safeguarding policy and procedures, all statutory requirements and any national governing body requirements. The Welfare Officer shall be the lead officer for all Members in the event of any safeguarding concerns.
4. All concerns, allegations or reports of misconduct, other than those dealt with under Item 3, which are considered to be sufficiently serious that they may trigger a police, or England Athletics (EA) or UK Athletics (UKA) disciplinary, investigation, will be referred promptly by the Secretary to such organisation and the Trustees (if not already aware) shall be informed immediately. All internal procedures will be halted until such organisations have concluded their procedures, save that the Trustees may exercise their powers to suspend the Member concerned.
5. Any relevant complaints shall otherwise be referred by the Secretary to, and be dealt with by, the Grievance & Disciplinary Committee (the 'Committee') in accordance with this Grievance & Disciplinary policy and procedures (the 'Policy').
6. The Trustees shall ensure that the Committee is established and always maintained for the purpose of ensuring the proper performance of the Policy. There shall be at least 3 and no more than 5 members of the Committee who shall be appointed for a period of (3) three years by the Trustees and may be reappointed. Any such member who may reasonably be considered to have a conflict of interest in relation to any complaint shall recuse themselves from the process of resolving such complaint.
7. Upon receipt of a relevant complaint, the Committee shall firstly consider whether the complaint is clearly frivolous or vexatious. If it so determines, it will write to the complainant accordingly and shall take no further action unless and until supplied with further evidence.
8. In the case of all other relevant complaints, having taken, and subject to, such advice as they consider prudent to take in the circumstances, the Committee shall write to the Club Member(s) or, as the case may be, Affiliate concerned to inform them of the complaint or circumstances and to invite them to comment in writing upon the relevant allegations within 14 (fourteen) days.
9. If the Committee considers the complaint to be sufficiently serious, the Trustees shall be notified promptly and, otherwise, shall be notified promptly following receipt of such written comments or, if none are received, the conclusion of the 14 (fourteen) day period, together with such information as is then available to the Committee.
10. The Committee shall consider the matter at their earliest convenience, or with appropriate urgency if the matter is deemed sufficiently serious, and shall make an initial assessment to consider whether: -
 - a. the matter is sufficiently serious as to necessitate a formal disciplinary process as outlined in the Policy;
 - b. to recommend to the Trustees the temporary suspension from membership of any Club Member accused of an offence or misconduct pending further investigations or enquiries and the Trustees may impose such a suspension in accordance with such recommendation or based on their own consideration of the information available. This suspension shall be to facilitate the investigation and hearing and be without prejudice to the outcome of the investigation;

- c. it has become apparent that the matter should be dealt with initially in accordance with Items 3 or 4 of the Policy, in which case these shall be applied; or
 - d. the matter does not warrant a formal disciplinary process and a lesser response will suffice, in which case, the Committee may proceed accordingly as it considers appropriate, including determining to take no action or to issue a verbal or written warning.
11. Where the Committee determines that a formal disciplinary process is required:
 - (a) it shall conduct or procure the conduct of such investigation as it considers appropriate to establish the relevant facts, including, if necessary, interviewing relevant witnesses and preparing witness statements;
 - (b) it shall also appoint a disciplinary panel (the 'Panel') of three Club Members who have no relationship with any of the Club Member(s) or Affiliate(s) concerned and for this purpose the Committee shall maintain a group of Club Members who have each agreed to serve on such panels from time to time and from whom the Panel shall be appointed;
 - (c) the Panel shall consider the results of the investigation and, if they consider it necessary for the fair discharge of their duties, or if requested by the Club Member(s) or, as the case may be, Affiliate concerned, will hold a hearing in order to determine, on the balance of probabilities, whether the complaint has been proved;
 - (d) the Club Member(s) or Affiliate(s) concerned shall be entitled to attend the hearing and to be accompanied by a friend or legal representative;
 - (e) the Panel may also request the attendance of witnesses at the hearing and the Committee will make such additional procedural provisions as it deems necessary for the just and efficient conduct of the hearing.
12. The Committee shall keep the Trustees informed of any complaints and the progress of investigations whilst maintaining appropriate confidentiality regarding any issue which, if disclosed, might be prejudicial to obtaining a fair outcome.
13. If, following conclusion of the hearing, the Panel is satisfied that an infringement, breach, offence or misconduct has been committed by a Club Member or Affiliate, then it shall, within 14 (fourteen) days of the end of the hearing recommend to the Committee one or more of the following actions: -
 - a. the offence or misconduct be noted but no further action should be taken;
 - b. warn the Club Member(s) or Affiliate(s) concerned as to future conduct but no further action should be taken;
 - c. suspend or disqualify the Club Member or Affiliate from athletic competition, coaching and/or administration and/or use of the Club's premises for a specified period;
 - d. recommend to the relevant governing body that the Club Member(s) or, as the case may be, Affiliate(s) be disqualified from any involvement in athletics in accordance with their own procedures; and
 - e. terminate the Membership or impose such other sanction as the Panel considers appropriate.
14. The Committee shall forward this recommendation to the Trustees within 7 (seven) days of its receipt together with any additional observations the Committee wishes to make. The Trustees will then determine their decision, which may take account of all or part of the Committee's recommendation, as soon as is practical thereafter, provided that the membership of any Club Member found to have taken performance-enhancing drugs will be terminated with immediate effect.

15. The Trustees shall be responsible for imposing sanctions and determining whether and to what extent any relevant information regarding the case and their decision should be made public or otherwise shared. The complainant shall be informed of the outcome.
16. The Club Member(s) or Affiliate(s) concerned will be given written notification of the outcome within 7 (seven) days of the Trustees' decision. The Club Member(s) or Affiliate(s) concerned may within 30 (thirty) days of such notification appeal against any decision on the grounds that proper process has not been followed, principles of natural justice have not been observed or the sanction imposed is disproportionate to the conduct held to have taken place, but not otherwise. Any such appeal shall be conducted by an appeal panel consisting of 3 (three) Past, or Vice, Presidents of not less than 5 (five) years' standing who have not been involved in the process. The Appeal Panel shall consider such information and interview anyone that it considers necessary, including the appellants, in order to determine the point(s) of appeal. It will endeavour to reach its decision within 30 (thirty days) of being appointed and then promptly notify the Trustees and the appellants of their decision. To the extent the appeal is upheld, the Trustees shall vary the original findings and sanction accordingly.⁵
17. If additional material facts come to light following the conclusion of any investigation, the Committee may determine to reconsider the matter in accordance with the above procedures and any decision previously made may, accordingly, be revised.
18. Notwithstanding the provisions of this Policy, when dealing with a complaint the Committee and the Trustees 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 Trustees reasonably believe is competent to provide such advice.