

## Complaints Procedure

1.	Introduction	1
2.	Resolve through informal conciliation	1
3.	Formal Procedures for Dealing with the complaint.	2
4.	Club Complaints Panel	2
5.	Complainant (The person making the complaint)	3
6.	Respondent (The person against whom the complaint was raised)	3
7.	Procedure	3
8.	Outcomes	4
9.	Appeal Process	4
10.	Complaint involves the SASA constitution and/or rules	5
11.	Complaints Involving Child Abuse or Other Criminal Offences	5
12.	Complaints Involving the Use of Drugs	5
13.	Flowchart for Complaints referred to Scottish Swimming	5

### 1. Introduction

A complaint may be made in the circumstances described within the Club's constitution. Any Individual or Body who is the subject of a complaint will be offered the opportunity to be heard in their defence.

#### The appropriate body to consider the complaint is as follows:

- For Club constitution and/or rules – Silver City Blues (Masters) Swim Club
- For complaints against other Members of the Club – Silver City Blues (Masters) Swim Club
- For Scottish Swimming Governance and/or rules – Scottish Swimming
- For safeguarding, vulnerable group protection or criminal offence - Scottish Swimming
- For drug offences - Aquatics GB

### 2. Resolve through informal conciliation

The Club will initially try to resolve the complaint through informal conciliation. To start the management process correctly, Silver City Blues (Master) Swim Club will contact Scottish Swimming's Director of Services for advice on how to proceed.

Depending on the nature of the complaint, and with the agreement of all parties, the Club may make use of an independent facilitator appointed by Scottish Swimming.

#### The facilitator will:

- Outline the process.
- Allow each party the opportunity to present their issue and suggest a resolution.
- Encourage all parties to consider resolutions put forward and to try and agree on a workable outcome.

- Record the outcomes.
- Advise next steps.

**Who should attend the meeting:**

- The Scottish Swimming Facilitator
- Complainant
- Complainant's friend, if desired
- Respondent
- Respondent's friend, if desired
- Club President (or independent club rep)
- Club Secretary (or independent club rep)

If the mediation process is unsuccessful, Scottish Swimming will talk the complainant through the correct process to file the complaint more formally.

**3. Formal Procedures for Dealing with the complaint**

If the complaint involves the Club constitution and/or rules a Club Complaints Panel (CCP) should be formed.

If the complaint involves the SASA constitution and/or rules the complainant should contact the Director of Services to pursue the complaint.

If the complaint involves child abuse or other criminal offences the complaint shall be referred to Scottish Swimming's Safeguarding Officer or Chief Executive within 48 hours. The Chief Executive, Safeguarding Officer, Legal Adviser, Director of Services, and the Chair of the Board of Directors shall deal with such cases as appropriate.

If the complaint involves the use of drugs the complaint shall be referred to the Secretary of Aquatics GB for action, and no further action taken by the Club under the complaint's procedure. Aquatics GB shall deal with all cases involving drugs and their decisions in such cases shall be accepted by the Club.

**4. Club Complaints Panel**

The Club Complaints Panel should be appointed from three club members who may or may not be members of the Management Committee.

No Panel Members shall participate in a hearing in which they have a personal involvement with either the subject matter(s) or the parties to the complaint or be present at such a panel.

One member should be appointed as Chair of the panel and the Club Secretary should carry out the administration for all complaints.

In any case, where a complaint is upheld, the record of any previous transgressions of the person concerned shall be sought by the Chair of the Panel before the Panel considers the imposition of a penalty.

A Panel may make whatever order it considers just, including the imposition of a financial penalty and/or exclusion/suspension for a period.

The Chair of the Panel 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.

The Chair of the Panel at which the complaint is heard shall arrange for a copy of the finding with all the attending documents to be sent to the Club Secretary for record.

#### **5. Complainant (The person making the complaint)**

Complaint should be submitted to the Club on the appropriate form, which can be obtained by contacting the Club Secretary: [scbuksecretary@gmail.com](mailto:scbuksecretary@gmail.com).

The written complaint must reach the Club not later than 30 days after the incident that gave rise to it, but the Club Complaints Panel (CCP) Chairperson may, at their discretion, extend this period up to six months in any case in which they are satisfied that it was not practicable for the complaint to be made within 30 days of the incident.

#### **6. Respondent (The person against whom the complaint was raised)**

All Respondents will be given the opportunity to respond to the complaint against them. They will be sent a copy of the written complaint and then given 14 days to respond to the allegations in writing.

#### **7. Procedure**

Within 14 days of receipt of a complaint, the Club shall send a copy of the complaint to each of the parties who are involved, and to the Chair of the Club Complaint Panel (CCP).

The CCP Chair shall arrange the date and venue for the CCP to consider the complaint, which must be within 60 days of receipt of the complaint and shall give the parties at least 14 days' notice of the arrangement.

If the CCP Chair becomes aware of any unavoidable circumstances which will prevent a hearing being held within 60 days from receipt of the complaint, they shall have the discretion to extend the period for the hearing to a maximum of 120 days from receipt of the complaint and shall notify the parties as soon as the decision to extend the period is made, giving the reasons.

The Chair may seek written or verbal evidence from any person who may be able to help the Hearing.

The proceeding shall be flexible and shall be at the discretion of the Chair who shall ensure that manuscript notes of the proceedings are taken.

## **8. Outcomes**

### *Powers of the Club*

For a breach of its own Rules, a Club may suspend a member from activities wholly within its own jurisdiction provided that before doing so, it informs the member of the alleged offence and the requirements of their governance documentation have been satisfied.

### *Powers of Club Complaints Panel*

Suspensions and fines may be imposed on Individuals by the CCP provided the requirements of their governance documentation have been satisfied.

### *Suspensions*

A person under suspension shall not participate in any activity organised by the Club or controlled by the Club unless there are any exceptions detailed within their governance documentation.

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).

An eligible competitor taking part in competitions, exhibitions, or demonstrations with someone whom they know to be under suspension may themselves be suspended.

Suspensions by the CCP shall be binding on all Clubs and Districts of Scottish Swimming. Suspensions and the lifting of suspensions shall be reported to Clubs, Districts and Scottish Swimming as appropriate.

### *Fines*

Fines may be imposed on Individuals by the CCP. The value of the fine will be as determined by the CCP.

When a fee or fine (not subject of an appeal) due to the Club has not been paid the Club can, after due warning, suspend the Individual until payment is made.

## **9. Appeal Process**

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.

An appeal shall be made by lodging the appeal with Scottish Swimming no later than 14 days after receipt of the written notification of the decision. The appeal fee must be sent along with the appeal.

In dealing with appeals for a decision of a Club or the CCP the appropriate Body to consider an appeal will be Scottish Swimming.

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.

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 Swimming will decide whether the case is an exceptional case for the purposes of the foregoing sentence.

Further information on this process is available at

<https://www.scottishswimming.com/clubs/manage-your-club/complaints>

#### **10. Complaint involves the SASA constitution and/or rules**

If the complaint involves the SASA constitution and/or rules the complainant should contact the Director of Services to pursue the complaint.

Further information on this process is available at

<https://www.scottishswimming.com/clubs/manage-your-club/complaints>

#### **11. Complaints Involving Child Abuse or Other Criminal Offences**

If the complaint involves child abuse or other criminal offences the complaint must be referred to Scottish Swimming's Safeguarding Officer or Chief Executive within 48 hours.

Failure to do so may result in disciplinary action. The Chief Executive, Safeguarding Officer, Legal Adviser, Director of Services, and the Chair of the Board of Directors shall deal with such cases as appropriate. For such cases no fee is required, and the initial contact need not be in writing.

#### **12. Complaints Involving the Use of Drugs**

If the complaint involves the use of drugs the complaint shall be referred to the Secretary of the Aquatics GB for action, and no further action will be taken by the Club under the Complaints/Grievances Policy. Aquatics GB shall deal with all cases involving drugs and their decisions in such cases shall be accepted by the Club.

#### **13. Flowchart for Complaints referred to Scottish Swimming**

A flowchart for the Scottish Swimming complaints process is available at

<https://www.scottishswimming.com/clubs/manage-your-club/complaints>