



## 100MC Grievance/Complaints and Disciplinary Policy

All concerns, allegations or reports of malpractice or abuse relating to the welfare of children or vulnerable adults will be recorded and responded to swiftly and appropriately in accordance with the Club's and England Athletics' safeguarding policy and procedures. The Welfare Officer shall be the lead Officer for all Members in the event of any safeguarding concerns.

Any complaints of misconduct (improper or unprofessional conduct) regarding the behaviour of Members or Officers shall be dealt with by the Club in accordance with its discipline and appeals process and must be presented in writing to the Secretary (and where the matter relates to the Secretary, the complaint must be submitted to the Chair). The complaint submitted should include the contact details of the applicant, the identity of the respondent, the nature and dates of the alleged complaint and the names of any known witnesses.

If the club member wishes to make a formal complaint it MUST be submitted in writing by email or letter within 14 days of the offence. Anonymous complaints will be passed on to English Athletics where they are the appropriate governing body. The Club Secretary (or Chair) shall acknowledge the receipt of the complaint within 3 days and the club will then have a total of 28 days to investigate and respond to the complaint.

The club upon receipt of the complaint will determine, having taken, and being subject to such advice as they consider carefully in the circumstances, if the complaint has sufficient grounds and is capable of being pursued based on the evidence/statements provided, the Club Secretary will then appoint 3 club members to sit on the Disciplinary Panel, none of whom have had any direct interest or involvement in the matter. The Terms of Reference of the Disciplinary Panel are attached to this Grievance Policy.

The Club Disciplinary Panel/Hearing will consider the matter on receipt of the initial complaint and formal responses from the member/s involved.

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:

1. A formal warning the club member concerned about their future conduct.
2. A temporary suspension from the club and its activities
3. Notify the relevant governing body (EA) about the complainant

4. Be monitored by another club or any other person deemed relevant
5. Terminate the membership or such other penalty as the Disciplinary Panel considers appropriate including notifying Police and/or taking legal action.

The decision of the Disciplinary panel shall be final and conclusive.

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

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 on the Club Secretary 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 Club Secretary 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 Club Secretary 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 Terms of Reference of the Appeal Panel is attached to this Grievance Policy.

The Appeal Panel shall meet on the date fixed by the Club Secretary. 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
- 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.

The decisions of Disciplinary Panel's/Hearings, including Appeal Panel's/Hearings, shall be recorded and retained in confidential records for a period of 3 years by the Club. Supporting documentation shall also be retained in the same fashion.

Notification to UK Athletics and England Athletics where appropriate by the Panel Chair

- Disciplinary Hearing - details of a decision, including sanctions imposed, will be communicated to England Athletics 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.
- Appeal Panel - details of a decision, including sanctions imposed, will be communicated to England Athletics 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.



### **Terms of Reference of the 100 Marathon Club Disciplinary Panel**

1. Chair of the Disciplinary Panel introduces fellow panel members and confirms the identity and status of all other people present.
2. Chair reminds all parties of the confidentiality of the hearing and that it will be held in private.
3. Chair reminds all parties of the duty to give a fair hearing to everyone with a concern in the case, the duty to explain the reasoning behind any decision and the obligation for any decision makers to be impartial.
4. Chair informs the parties that the Disciplinary Panel will make its decision on whether the respondent is guilty of misconduct, based on a balance of probabilities. This means that it must be demonstrated that it is 'more probable than not' that the respondent is guilty of misconduct. The Disciplinary Panel will consider whether, on the balance of probabilities, the allegations are substantiated by the facts of the case.
5. Chair confirms that all parties and Disciplinary Panel members have previously received copies of all relevant documentation. In the event that documents have not been exchanged as required, the chair may consider an adjournment.
6. The Disciplinary Panel must consider any written and/or oral submission made by the respondent and any written and/or oral evidence provided by witnesses called on their behalf.
7. The Disciplinary Panel will then consider its decision in private. The panel shall decide any matter based on a simple majority and may reject the complaint or may partially or fully uphold the complaint.
8. If the Disciplinary panel upholds the complaint, it must then consider the most appropriate manner to resolve the case and, in doing so, may take account of all relevant information disclosed during the hearing, including any submission made by or on behalf of the respondent.
9. The Disciplinary Panel should:
  - a. Identify one panel member responsible for note-taking.
  - b. Consider evidence of information from all sides.
  - c. Remain impartial.

- d. Do its best to understand the feelings of the people involved in the grievance.
  - e. Give careful consideration to the decision made.
  - f. Consider ending the meeting and resuming it at a later date if further investigation is required.
  - g. Provide an opportunity for the person who raised the grievance (the complainant) and the person accused of misconduct (the respondent) to ask questions and/or explain their side.
  - h. Provide a summary of the main points.
10. In consideration of what sanction to impose, the Disciplinary Panel should consider the following criteria:
- a. The nature and seriousness of the misconduct, including whether it involved dishonesty, culpability or reckless neglect.
  - b. The conduct record of the respondent and, in particular, whether any misconduct of a similar kind has occurred before and the period of time that has elapsed since any previous misconduct.
  - c. Where relevant, the length of time over which the misconduct occurred and the number of breaches.
  - d. Any steps taken by the respondent to avoid a recurrence of the misconduct.
  - e. Whether any admission and/or regret is expressed by the respondent.
  - f. The extent to which the respondent has derived benefit, or stood to derive benefit, from the misconduct.
  - g. Any steps taken by the respondent to compensate or provide restitution to the complainant.
  - h. The degree of co-operation with the investigation the need to deter future misconduct the need to demonstrate that England athletics takes firm action to promote the standards of conduct and behaviour required of all athletes, club members, and others engaged in athletics.
11. The powers of the Disciplinary Panel are to issue:
- a. A warning in respect of the misconduct committed.
  - b. Temporary suspension of club membership.
  - c. Temporary or permanent restriction of club membership.
  - d. Termination of club membership or removal from any official position within the club.
  - e. A requirement to complete education or training.
  - f. A recommendation to England athletics (in the case of the respondent who is a registered England athletics athlete) for a suspension from competition (or official participation within athletics), or from taking part in any event organised or run under the UK athletics rules for competition for a specified period.
  - g. A recommendation to UK athletics (in the case of the respondent who is a UK athletics licensed coach or technical official) for a suspension of their licence to coach or officiate for a specified period any combination of the above.
12. Chair of the Disciplinary Panel may vary this procedure at their absolute discretion if, after discussion with other parties, he or she is of the opinion that such change would assist the hearing process in a fair and impartial way.

13. Where appropriate, and at the absolute discretion of the Chair of the Disciplinary Panel, details of a decision, including sanctions imposed, may be communicated to UK Athletics, England Athletics, the county association, club or other body where it is considered necessary to ensure compliance with a sanction, or for the safety and wellbeing of those engaged in athletics activity.
14. A record of the proceedings and decisions of disciplinary/appeal panels, including any sanctions imposed, shall be confidentially and securely held on file by the club for as long as it is deemed appropriate in accordance with the club's privacy notice.
15. Following a fair complaint procedure, the Disciplinary Panel should decide on the best outcome and make recommendations to the club committee. The club committee should implement the recommendations set out to them by the panel in line with the rules of the club constitution.
16. If a complaint involving more than one person is upheld, the Disciplinary Panel should decide on the appropriate disciplinary action for each individual.



**Terms of Reference of the 100 Marathon Club Appeal Panel**

1. The Appeal Panel shall meet on the date fixed by the club.
2. It may, at its sole discretion, disregard any failure by a party to adhere to the appeal procedure and may give further directions as appropriate. Any hearing shall be in private unless all parties agree otherwise, or unless the Appeal Panel directs.
3. Chair of the Appeal Panel introduces fellow panel members and confirms the identity and status of all other people present.
4. Chair reminds all parties of the confidentiality of the hearing and that it will be held in private.
5. Chair reminds all parties of the duty to give a fair hearing to everyone with a concern in the case, the duty to explain the reasoning behind any decision and the obligation for any decision makers to be impartial.
6. The Appeal Panel shall have power to make a decision on the facts as it thinks fit and may:
  - a. Quash the original decision.
  - b. Confirm the original findings.
  - c. Request that the case be re-heard.
  - d. Increase the original sanction.
  - e. Abate the original sanction.
7. The Appeal Panel shall inform all parties of its decision within 14 days, with written reasons. The decision of the Appeal Panel is final and it shall decide on any issue by majority.