# Grosvenor Rowing Club Disciplinary & Grievance Procedure

## 1.0 Introduction

1.1 This procedure sets out the process for making and responding to a complaint about a Club member. It also describes the process for making a complaint about the Club as an organisation.

1.2 Complaints will be handled fairly, consistently, and promptly.

1.3 We will be considerate to those involved in the complaint process, doing our utmost to support the welfare and wellbeing of both Complainants and Respondents.

## 2.0 Scope

This procedure applies when:

2.1 a complaint is raised against a Club member

2.2 a Club member has apparently breached the Code of Conduct and/or Club rules

2.3 a complaint is raised against Grosvenor Rowing Club as an organisation

## 3.0 Reference documents

3.1 Grosvenor Rowing Club *Code of Conduct*

3.2 Grosvenor Rowing Club *Club Rules*

3.2 Grosvenor Rowing Club *Safeguarding procedure*

## 4.0 Definitions

4.1 Complainant – the individual who raises a concern / complaint about another Club member. They may be someone who has witnessed an incident or they may be someone against whom something has happened.

4.2 Respondent – the individual (or organisation) against whom a concern or complaint has been raised.

## 5.0 Procedure

### Impartiality and fairness

5.1 Throughout this procedure tasks and responsibilities are allocated to specific individuals including the Club Chair, Club Welfare Officer and Club Secretary. However, if any of these committee members is the Complainant or the

person against whom a complaint has been made then they **should not** undertake the allocated tasks. A substitute (wherever possible another committee member) shall be appointed to carry out the task instead.

5.2 In addition, any individuals appointed to the role of fact-finder or decision-maker with regards to a complaint must not be:

- Someone who is (or may be) involved with the complaint, including as a potential witness and/or someone who will provide information about the complaint.
- The business partner, partner or family member of either the Complainant or the Respondent.
- Someone who has previously made a complaint about either the Complainant or the Respondent.
- Someone against which either the Complainant or the Respondent has previously complained.

5.3 If, having accepted a role, an individual's circumstances change or it becomes apparent that one of the listed items in Section 5.2 above applies they must immediately notify the Club Chair (or if this is not appropriate a suitable alternative such as the Club Welfare Officer or the Club Secretary), recusing themselves and withdrawing their involvement. They must not continue as a fact-finder and/or a decision maker or undertake any role or task which will influence the fact-finding or decision making.

The individual may continue in their role as a committee member but should withdraw from any situation where they might be (or be perceived to be) able to influence the outcome of the complaint. For example, it would be appropriate for them to be absent from those parts of a meeting when the complaint is being discussed, leaving the meeting and rejoining only once the discussions about the complaint have concluded.

## Responding to a complaint where behaviour fails to reach the expected standard

5.4 In the event that a member (or parent or carer) allegedly behaves in a way that does not reach the expected standard of behaviour (as described in British Rowing's Code of Conduct) or in the event that a complaint is made against a Club member:

If the alleged behaviour is a safeguarding concern i.e. is regarding either:

- A child (someone who is aged under 18) or
- An Adult at Risk (a person aged 18 years or over and at risk of abuse or neglect because of their needs for care and support and because of their care and support needs cannot protect themselves against actual or potential abuse or neglect)

Then the matter will be dealt with in accordance with British Rowing's safeguarding guidance, specifically Safeguarding Handbook 2: Handling Concerns.

For all other cases the matter will be dealt with using this procedure (and where applicable, the relevant British Rowing policies and/or procedures).

**Police involvement**

5.5 If at any stage it becomes apparent that a crime may have taken place the Police should be immediately notified and any investigation initiated by the Club suspended until such time that Police involvement is concluded.

**Making a complaint about a Club member**

5.6 Complaints should be made (in writing where possible) to the Club Welfare Officer, Club Secretary or Club Chair. If this is not possible e.g. if the concerns involve these individuals, the concerns should be reported to an appropriate member of the Club committee. If this is not possible or appropriate, members may contact British Rowing's Safeguarding & Integrity team to report their concerns. Details are provided in appendix 1.

5.7 All complaints should be promptly acknowledged, and the Club Chair notified. If the complaint concerns the Chair, the Club Welfare Officer or Club Secretary should be informed.

5.8 The terms Complainant and Respondent should be used and terms such as victim, perpetrator, offender be avoided. This is to ensure fairness and to help ensure those involved are open minded.

5.9 Complaints can be distressing for those involved – the Complainant, Respondent and those charged with resolving the matter. Sources of help are provided in Appendix 5.

**Establishing the facts**

5.10 The Club Chair will appoint a Lead Officer (or may choose to adopt the role themselves) to carry out fact finding. The Lead Officer will usually be a committee member. Whoever is chosen should have suitable skills and experience to allow them to confidently carry out fact-finding fairly, objectively, discreetly and in a confidential manner. To ensure impartiality the Lead Officer **must comply with the criteria detailed in Section 5.2.**

5.11 When appropriate the complaint will be dealt with through an informal process, without the need to be heard by a Disciplinary Panel. Fact finding should still take place to establish whether the complaint is upheld. Any decision to take the informal route should be approved by at least three committee members who meet the criteria in Section 5.2.

5.12 The Club Chair may appoint additional people to assist the Lead Officer with fact finding. Where this is the case the same principles as for selecting a Lead Officer should be applied for the additional people.

5.13 The Lead Officer will inform the Complainant in writing, within 7 days of the complaint being received by The Club, that they have been appointed; that this procedure will be followed; and that the details of the complaint will be disclosed to the Respondent. The Lead Officer will also explain next steps including when the Complainant will receive an update. A copy of this procedure will be provided to the Complainant.

5.14 The Lead Officer will inform the Respondent in writing (as soon as possible after contacting the Complainant) that they are the subject of a complaint. The Lead Officer will provide an outline of the allegation, identify who made the complaint (unless their identity needs to be kept confidential for safeguarding reasons – see Section 5.5 which describes what falls within this scope) and advise that this procedure will be followed. The Lead Officer will explain the opportunities for the Respondent to respond to the allegation(s) and next steps including when the Respondent will receive an update. A copy of this procedure will be provided to the Respondent.

**Temporary suspension**

5.15 It may be appropriate to temporarily suspend an individual's membership whilst fact finding takes place e.g. if it is considered necessary to ensure an unhindered investigation and/or to protect specific individuals (and this might include the Respondent). In these circumstances suspension is not a disciplinary action or sanction and must be for as short a time as possible.

5.16 Any decision to temporarily suspend a Club member should be determined by a minimum of three committee members who meet the criteria in Section 5.2.

5.17 A decision to temporarily suspend a Club member should be confirmed in writing to the Respondent, explaining that it is precautionary, not disciplinary, and that no conclusions have been drawn or decisions made about the complaint.

**Fact finding**

5.18 For all complaints, regardless of the level of complexity or seriousness, fact finding should be thorough, proportionate, relevant and fair to all parties. It should be carried out respectfully and confidentially. The person undertaking the fact-finding should be impartial and approach the matter with an open mind. The aim should be to progress the matter promptly, but thoroughly.

5.19 The Lead Officer will set about fact-finding. This will usually involve contacting the Complainant to obtain full information about their complaint, fact checking e.g. by contacting witnesses, and contacting the Respondent to seek their response to the complaint. Appendix 2 provides guidance on fact-finding,

which the Lead Officer and any individuals assisting the Lead Officer should take into account.

5.20 The Complainant, Respondent and witnesses are expected to give the Lead Officer all reasonable assistance including answering questions and providing documentary or other information relevant to the complaint.

5.21 The Respondent must be given fair opportunity to respond to the allegations. This includes giving the Respondent full information - the allegation must be clearly stated, ideally with reference to the exact policy and/or rule(s) alleged to have been broken, in order to enable the Respondent to prepare their response. All evidence in support of the allegation should be provided to the Respondent.

5.22 Providing the information to the Respondent will ideally be done by the Lead Officer meeting with the Respondent (face to face or online) with someone suitable accompanying (such as the Club Welfare Officer). The Respondent should be given the option to have someone of their choosing to be present at the meeting.

The Respondent is likely to have questions and the Lead Officer should do their utmost to answer these at the meeting. However, if unable, the Lead Officer should note questions and provide answers to the Respondent as soon as possible after the meeting.

At the meeting the Lead Officer will explain that a decision about the complaint will be made at a future date and request the Respondent to provide a response to the allegation(s) including any mitigating information to be taken into account. The Respondent should not be pressured into providing a response there and then at the meeting.

The potential outcome(s), should the complaint be upheld, should also be explained to the Respondent. There should be no attempt to persuade or suggest that the Respondent should resign from the Club.

5.23 At the conclusion of the meeting the Respondent should be given the following in writing:

1. A description of the complaint including date when the complaint was made, by whom and the nature of the complaint.
2. The title and section of the specific policy, procedure, rule, regulation or code alleged to have been breached.
3. The potential outcomes, including any actions, sanctions available for the alleged breach.
4. A copy of this procedure.
5. Contact details for British Rowing’s Safeguarding & Integrity team.

5.24 Once provided with the full information the Respondent should be given a reasonable time in which to consider the allegation(s) and provide their

response. What constitutes a reasonable time will vary, but a minimum of 7 days should be given (from the date when the Respondent is provided with the full information). Any reasonable request by the Respondent for additional time should be allowed.

5.25 During the fact finding the Lead Officer should try to establish whether there are any mitigating circumstances. This will include asking the Respondent whether there is anything they would like to be taken into account that may have influenced them / their behaviour. This might include being under stress, work pressures, family difficulties, illness, being placed under duress/ being forced to behave in a particular way. The Lead Officer should also obtain details of how long the Respondent has been a Club member; whether other complaints have been received against the Respondent (and if so, were they similar to the complaint under consideration); the contribution the member has made to the Club.

5.26 It is important to try to achieve equality between the parties. This means that each party must be given a reasonable opportunity to present their case under conditions that do not place them at a substantial disadvantage when compared with the other party.

**Promises**

5.27 Promises to either the Complainant or Respondent should never be made about outcomes including any sanctions. E.g. the Complainant might say that they do not wish the Respondent to be allowed at the rowing Club at the same time as the Complainant. If pressure is put on the Lead Officer (or fellow fact finders) to do this they must explain that they are not in a position to pre-judge any outcomes and so are unable to agree to any requests.

**Findings report**

5.28 The Lead Officer will produce a report which will include documentary evidence and their opinion, based on the facts, as to whether they consider there is a case to answer. The report should be submitted to the Club Chair in the strictest confidence. Where a complaint is being dealt with informally the report will be brief. Guidance on the report content is provided in Appendix 3.

5.29 In the event of no case to answer:

a) if The Chair is satisfied that a thorough investigation has been carried out and the Lead Officer’s view matches with the facts found then – the matter will not proceed to a Disciplinary Panel. The Club Chair will inform the Complainant and Respondent accordingly in writing. There shall be no appeal against a decision where there is no case to answer, but a case may be re-examined if further evidence is later forthcoming.

b) if the Club Chair is dissatisfied with the investigation and/or does not consider the Lead Officer's view matches with the facts found the Club Chair may commission further fact-finding (to be carried out by the Lead Officer or, if necessary, by a separate individual that meets the criteria set out in Section 5.2).

5.30 In the event of a case to answer the Club Chair will inform the Complainant and Respondent in writing accordingly. The Club Chair will also set up a Disciplinary Panel.

**Disciplinary Panel**

5.31 The role of the Disciplinary Panel is to consider the findings of the Lead Officer, determine whether a case is proven and to then decide what action (if any) should be taken. The panel should be made up of no fewer than three individuals from the Club, one of which will be designated as the Disciplinary Panel chair. The panel must be, and must be seen to be, impartial. The Disciplinary Panel members must be independent of the complaint, must not be anyone appointed to carry out the fact finding and must satisfy the criteria set out in Section 5.2. The Club Chair should not sit on a Disciplinary Panel.

5.32 Any Disciplinary Panel member having an interest in a matter to be considered must declare that interest as soon as they are aware of it and must have no further involvement in that case.

5.33 To avoid the risk of confirmatory bias the Lead Officer may be invited to be present at the Disciplinary Panel meeting **but only** to answer queries from the panel about the findings / the report. Under no circumstances may the Lead Officer vote at the Disciplinary Panel or attempt to persuade the Disciplinary Panel to vote in a certain way.

**Reaching a decision**

5.34 The Disciplinary Panel's decision is twofold, they must decide:

- Firstly, whether the complaint has been proven
- What action, if any, should be taken

5.35 The Disciplinary Panel should decide the degree to which the allegation has been proven, based on the balance of probabilities, taking into account whether there is more evidence to support an allegation or to rebut it.

A sliding scale should be applied whereby the more serious the allegation the higher the degree of satisfaction. The standard of beyond reasonable doubt should be applied for the most serious of allegations. The decision will be:

a) allegation proven (complaint upheld) or
b) allegation not proven (compliant not upheld) or
c) element(s) of the allegation proven (complaint partially upheld).

5.36 In deciding whether an allegation has been proven the Disciplinary Panel must remain objective and base their decision on facts determined during the fact finding investigation.

5.37 Following the decision about the allegation being proven or not the Disciplinary Panel should then weigh up the accepted facts against the relevant rules in order to decide what action (if any) should be taken.

**Deciding appropriate action**

5.38 Where the Disciplinary Panel decides that there is no case to answer (complaint not upheld) the chair of the Disciplinary Panel should write to the Complainant and the Respondent to notify them accordingly. There shall be no appeal against a decision where there is no case to answer, but a case may be re-examined if further evidence is later forthcoming.

5.39 Where the Disciplinary Panel decides that there is a case to answer (complaint upheld) they should decide whether or not disciplinary action (or any other action[1]) is justified and proportionate. The Disciplinary Panel should include in their considerations:

- Mitigation including how long the Respondent has been a member of the Club, their behaviour during this time (good and bad) and whether there are any circumstances that influenced behaviour e.g. periods of stress or illness.
- Impact of the behaviour.
- The Club's rules and policies and those of British Rowing and what these recommend as appropriate for the proven misconduct.
- The benefit of taking one course of action vs. another. For example, would it be more beneficial to provide support and training vs. suspending a member from the Club.

**Mediation**

5.40 It is worthwhile for the Disciplinary Panel considering at this stage whether a case is suitable for mediation. Many disciplinary charges arise out of misunderstandings between individuals which could be more effectively resolved without using sanctions.

Where mediation is considered appropriate but there is doubt as to whether the Respondent / Complainant is likely to agree the Disciplinary Panel should not use this as a basis to escalate to a more punitive sanction.

5.41 The Disciplinary Panel chair shall within 7 days of the decision notify it in writing to the Respondent and the Complainant. The notification will include the reasons for the decided action / imposition of any sanction, including any

[1] Example actions are listed in appendix 4.

mitigating and/or aggravating factors that influenced the Disciplinary Panel's decision.

**Communication of the outcome and right of appeal**

5.42 Where a Respondent has been temporarily suspended this suspension must end when the Disciplinary Panel reaches a decision. This does not prevent the Disciplinary Panel from subsequently imposing a new time-bound suspension as a form of sanction.

**Expulsion**

5.43 Where the Disciplinary Panel decides that a member is to be expelled from the Club the Respondent should be informed as soon as possible of the reasons for their expulsion, the date it takes effect and their right of appeal.

**Malicious complaints**

5.44 If the allegation is found to be malicious, the Disciplinary Panel should consider taking disciplinary action against the person who made the allegation unless the circumstances are exceptional.

**Lessons learnt**

5.45 The Disciplinary Panel should consider whether any organisational changes would be appropriate to prevent repeat in the future. This might include improved communication with members; training for specific officers, coaches or volunteers; education sessions with members; updates to procedures or policies.

**Records**

5.46 The chair of the Disciplinary Panel shall collate the minutes. These shall include reasons for any findings made by the Disciplinary Panel including the sanction, if any, and the factors that were taken into consideration when imposing such sanction; and the names of the decision makers.

5.47 A decision made by the Disciplinary Panel on whether or not a case is found proved and the sanction imposed shall not be regarded as confidential except where the Respondent is under 18 or is an Adult at Risk.

**Appeals**

5.48 Where the Respondent believes that the decision and/or action taken against them is wrong or unjust they may appeal against the finding or the sanction imposed or both. The person appealing should inform the Disciplinary Panel chair the reason(s) for the appeal in writing within 20 working days of receiving written confirmation of the decision.

5.49 The grounds for an appeal could reasonably be one or more of the following:

1. the correct process was not followed;
2. a decision maker was biased;
3. the decision was made without considering all the relevant facts;
4. new material evidence, that had it been known at the time of the original proceeding would have affected the decision of the panel or
5. the decision was not one a reasonable person could have made.

5.50 The appeal shall be heard, without unreasonable delay, by an Appeal Panel consisting of at least three Club members (or alternately members of the North West Regional Rowing Council) who were not involved in the original proceedings and who satisfy the criteria listed in Section 5.2. One of these members will be appointed as the Appeal Chair.

5.51 The Appeal Chair may invite representations either in writing or in person from the person making the appeal and/or the Disciplinary Panel Chair. The Respondent has the right to be accompanied at any appeal hearings and to be given adequate notice (minimum 5 working days) of the date of the appeal meeting. Once satisfied that the Appeal Panel has sufficient information on which to decide the appeal, the Appeal Chair will convene the Appeal Panel to consider whether the appeal is upheld or dismissed.

5.52 An appeal is not a re-hearing of the original proceedings. Although it will be necessary for the Appeal Panel to review the evidence e.g. by reading the statements, reports and minutes including relating to key decisions subsequently made, it will not usually involve the calling of new witnesses unless the appeal is based upon the ground specified in Section 5.49.4 above.

5.53 The Appeal Panel has the following powers: -

1. To dismiss the appeal;
2. To alter or vary the original decision;
3. To quash any sanction and/or substitute it for any other penalty; or
4. To make any such other order or determination as it may think right or just.

5.54 The decision of the Appeal Panel will be communicated to the person appealing and to the Disciplinary Panel Chair, by the Appeal Chair, in writing, within seven days of the appeal decision.

**Making a complaint about Grosvenor Rowing Club**

5.55 As a British Rowing affiliated Club, Grosvenor Rowing Club is required to comply with the British Rowing Regulations including those related to complaints, disputes, concerns or problems (i.e. grievances) against the Club.

5.56 In the event of a grievance being received the Club will follow the British Rowing Regulations and/or the relevant British Rowing policies. An up-to-date version of the Regulations is available online from the British Rowing website.

5.57 Any Club member with a grievance against the Club should submit their grievance to the Club Chair, preferably in writing.

5.58 In the event of a grievance being raised by someone under 18 years old, the Club Chair may elect to advise their parents (or legal guardian) that they have raised a grievance.

**Records**

5.59 Good record keeping is important to help ensure consistent decision making from one committee to the next – having a summary of historical decision making will help current committee members; trends may be identified suggesting that organisational change may be necessary and appropriate; records will also allow the Club to respond to any appeals, civil litigation or assist with criminal proceedings.

**Complaint log**

5.60 The Club Secretary will maintain a log of all complaints received – a Complaint Log (see example in Appendix 6). The purpose of the Complaint Log is to ensure all complaints are recorded. Any committee member who receives a complaint should promptly provide the Club Secretary with details to allow an entry onto the Complaint Log to be made. The only exception to this would be if the complaint is against the Club Secretary or where the Club Secretary is the Complainant. The Club Secretary will update the Complaint Log at the conclusion of the complaint, recording the outcome and decision reached.

5.61 The Complaint Log will be completed in such a way that no individual Complainant or Respondent is identified. Therefore, there should be no issue in retaining the log indefinitely and it should be transferred over whenever a new Club Secretary is appointed.

**Complaint case file**

5.62 All records generated in relation to a complaint (from initial receipt of complaint through to conclusion and resolution) including e-mails, reports, minutes of meetings and contemporaneous notes, must be stored securely and safely. At the conclusion of a complaint the Lead Officer will produce a front cover Complaint Summary Sheet. This will include the unique complaint reference (allocated from the Complaint Log), the date of the complaint, the outcome (upheld, partially upheld, dismissed) and date of outcome. The Complaint Summary Sheet will also list all of the documents contained within the case file. The Lead Officer will ensure that this sheet along with all of the records from the case file is provided to the Club secretary for safe and secure keeping.

5.63 The complaint case file should be kept for as long as is appropriate taking into account applicable legislation such as data protection law; the potential for requiring the information for an appeal, court action, insurance claim etc. The Club Chair, Vice-Chair and Club Secretary should jointly undertake periodic reviews to decide whether to destroy the case file. However, if any of these three individuals are either a Complainant or the person against whom the complaint was made, they should not be involved in the decision to destroy the record. Instead, a substitute drawn from the committee should take that person's place. The details of the decision to destroy the records should be noted on the Complaint Log.

**Record destruction**

5.64 When a decision is reached that records are to be destroyed the Club Chair or Club Secretary will arrange for the secure and confidential destruction of the records.

## Appendix 1 – British Rowing contact details

**A1.1** British Rowing's Safeguarding & Integrity team is the point of contact for safeguarding, disciplinary, grievance, anti-doping and integrity guidance. They can be contacted at:

safeguarding@britishrowing.org

cleansport@britishrowing.org

grievance@britishrowing.org

**A1.2** Members can also report a concern about safeguarding online at the website britishrowing.org

## Appendix 2 – Fact finding guidance

### A2.1 Purpose

The purpose of fact finding is to try and establish the facts surrounding a complaint. Factfinders have a responsibility to approach the matter with an open mind. They should not be looking to find evidence to support a predetermined outcome or theory. There may be evidence to support and/or rebut the complaint. The factfinder's role is to gather this evidence so that a decision can be made at a later time (when the fact finding is concluded) as to whether the complaint is upheld or not.

### A2.2 Skillset

Fact finders should have appropriate skills, qualities and traits that allow them to carry out the tasks confidently and competently. For example, a good fact finder would be:

- Fair. Open minded.
- Well organised. Methodical. Good attention to detail.
- Curious. Inquisitive. Analytical.
- Able to understand and follow procedures.
- Experienced in interviewing others.
- Calm under pressure.
- Non-judgemental.
- Discreet. Diplomatic. Able to maintain confidentiality.
- Good listener.

Roles that commonly utilise the above skills include law enforcement officers, counsellors/therapists, auditors and HR / Personnel professionals.

### A2.3 Confidentiality

Details and information regarding the complaint and the factfinding should only be shared on a need-to-know basis with the appropriate parties, and confidentiality must be maintained throughout the process. Best practice on information sharing includes: When sending individual emails to people, don't copy others in. For instance, do not include both the Complainant and the Respondent in one email; if you have several witnesses do not copy them all into the same email. Instead, a separate email should be sent to each person.

Mark any correspondence being sent, paper or electronic, as 'Confidential'
Keep all correspondence in a password-protected folder (if electronic correspondence) or in a locked store cupboard or drawer (if paper). Once the complaint has been concluded all documents should be passed over to the Club Secretary to be included in the complaint case file.

### A2.4 Fact finding – interviewing

Most, if not all, fact finding will involve speaking with individuals including the Complainant and those who have directly witnessed an event.

The task for the fact finder is to establish who it is appropriate to interview and to then enable them to describe what happened using their own words.

### A2.5 Interviewing - Preparation

Building trust with a witness is key to conducting an effective interview. Being respectful, showing empathy and understanding, and maintaining confidentiality can help with this.

Give thought to the best way to interview the witness – where will it take place, when and how (face to face, telephone etc.).

It is important to create a comfortable and safe environment for the witness to share information, always ensuring that the interview is private and cannot be overheard. The witness should be given sufficient time to tell their story and should not feel time-pressured. Agree upon a suitable time of day to allow this e.g. when the witness is not under time pressure to get to an appointment / pick up children from school etc.

### A2.6 Interviewing - Questions

Interview questions should be planned in advance.

In general terms questions should ask a witness for an account of a situation and for any relevant, background information for added context.

Initial questions (and the questions during most of the interview) should be open questions. These help get a conversation started and can result in unexpected insights and facts being revealed.

Closed questions – e.g. that may be answered “yes” or “no” - are restrictive and lead to limited answers as they don't allow the person being questioned to provide information in their own way. It is better to use closed questions sparingly, to clarify something or to obtain clear, concise information.

Leading questions (those that suggest a particular answer or include information that may bias the witness's response) should not be used. They can influence a witness's response and potentially undermine the reliability of their account. Instead, neutral and objective questions which allow the witness to provide their own perspective should be used.

| Avoid | Instead try |
|---|---|
| Closed question “When you looked towards the boatshed, did you see a blue or a red car?”.<br>*This is a closed question as it restricts the response that the witness can provide.* | “You say you saw a car by the boatshed, can you describe what you saw?” |
| Leading question “Now I really hope this isn’t the case, but can you tell me about John putting the petrol into the cupboard?”<br>*This is a leading question as it lets the witness believe that the interviewer would be unhappy for the petrol to be put into the cupboard.* | “Please tell me - what did you see happen with the petrol?” |

### A2.7 At the start of the interview

Introduce yourself, explain why the fact finding is taking place and what the purpose of the interview is. Make the witness feel at ease, advise them to tell you if they do not understand anything, including if they don't understand any of the questions that you ask. If you intend to make notes during the interview let the person you are interviewing know this.

**During the interview**

### A2.8 Active listening

Active listening is a technique that involves paying close attention to what is being said, asking follow-up questions, and clarifying any information that is unclear. This should be done without interrupting the witness or making assumptions about what they are saying. This approach will help to encourage the witness to provide more detailed and accurate information.

### A2.9 Stay neutral and objective

It is important that the fact finder remains non-judgemental throughout the interview. Even if something is revealed that the fact finder finds surprising, they must not express their opinions or views, as to do so may influence the witness. If asked by a witness to give their view the fact finder should explain that it would be inappropriate to do so. This does not mean the fact finder cannot express sympathy, but care should be taken that this is not misinterpreted as the fact finder making a judgement or taking sides.

**At the end of the interview**

### A2.10 Summarise and confirm

At the end of the interview, the fact finder should summarise the information that has been provided and confirm that they have accurately understood what the witness has said. This can help to ensure there are no misunderstandings or miscommunications, and it can also provide an opportunity for the witness to clarify any information that may have been unclear.

The person being interviewed should also be given a final an opportunity to tell the factfinder anything else relevant to the complaint e.g. *Is there anything else you'd like to tell me or to add to what we've discussed?*

### A2.11 Advise what will happen next

Let the interviewee know if you think you will need them for anything else and inform them of your next steps. Take care to avoid making promises to the witness that cannot be kept.

**Documenting the interview**

### A2.12 Contemporaneous notes

It is good practice to make contemporaneous notes when asking Complainants, witnesses and Respondents about events. A contemporaneous note is a written record created at the same time as—or immediately after—an event or observation. They help to accurately document facts, details, and impressions while they are still fresh in the mind of the person making the record (the fact finder). Notes can include specific details like dates, times, locations and direct quotes. It may not be practical to take notes whilst asking questions, and can sometimes prevent the natural flow of a conversation. In which case notes should be made immediately following the interview or conversation. Original notes should be kept safely and securely. It is important that they are never disposed of e.g. because they are considered to be 'only rough notes'.

**A2.13 Witness statements**

It may be appropriate to document the information that has been gathered during the interview as a written witness statement. If so, it is important to accurately document the witness's responses. Statements should be written in the words of the witness, using the exact descriptions, phrases, words that they use. There should e.g. be no attempt to make a statement sound more formal, they must be written in the own words of the witness. The statement should be dated and signed by the witness to confirm that the contents of the statement are true. An example witness statement template is provided below. Note that if the statement contains several pages the total number of pages should be stated on the first page, every page should be numbered, as well as being signed and dated by the witness.

**A2.14 Hearsay**

Hearsay is essentially second-hand information. For example, if Tom tells Karen that he saw Susan taking an apple, Tom is a witness and Karen's account is hearsay (as she has only heard it from Tom, not witnessed it herself). Hearsay is considered unreliable. The interview record must only contain first party evidence and should not contain hearsay or speculation[2].

| |
|---|
| Statement of (print full name)……<br>Page 1 of 1 |
| *Enter witness statement here* |
| I confirm that the information given by me in this statement is truthful and complete to the best of my knowledge. I understand that the information may be used in a disciplinary process which may result in the Club taking action against individual members. |
| Signed …….. (witness)<br>Date …… |

[2] First party evidence is evidence that the individual saw or heard. Hearsay is evidence that the individual was told by another party or overheard.

### A2.15 Information gathering

In addition to interviews other information gathering methods should be used. For example, if it is alleged that something happened at a specific date at a specified location the fact finder should establish whether it could have practically happened – e.g. was the location accessible at the date and time specified?

Digital records may also prove helpful including emails, texts, social media posts. They may help provide a timeline of how an event unfolded as well as giving detailed information.

It is not uncommon for individuals to have inaccurate recall of an event. This does not mean that the individual is lying, they may genuinely believe their recollection is the truth. The factfinder has a responsibility to check facts where possible and not simply accept an account.

Fact finders should also seek to clarify facts – revisit, cross check, clear up any ambiguity or conflicting reports of events. This might mean going back to the original source of the information and/or re-interviewing the Complainant or the witness.

## Appendix 3 – Lead Officer's report

### A3.1 Lead Officer's Report

The Lead Officer's report will detail the information gathered during the fact finding. It should be simple, factual and objective, avoiding the use of emotive or judgemental language.

The report should be marked and treated as confidential, only to be shared in its entirety on a strict need-to-know basis. Usually, disclosure to those charged with reaching a decision about the matter; the Complainant and the Respondent.

The report should be complete, without redaction, and with no requirement to examine other evidence or information separately. This is to ensure that those using the report to make a decision about the complaint are fully informed.

To make the report easy to understand documentary evidence is included in the appendices rather than in the main body of the report.

The Lead Officer will include in their report a statement, with supporting reasons, as to whether they consider (based on the facts gathered during the fact finding) that there is more evidence to either support or rebut the allegation.

**Case to answer**
There is more evidence to support an allegation than to rebut it.

**No case to answer**
There is no evidence or proper basis to support the allegation being made.

**No case to answer and evidence of malicious complaint**
There is no evidence or proper basis to support the allegation and there is evidence to show that there has been a deliberate act to deceive.

### A3.2 Suggested report format

Cover page: marked CONFIDENTIAL
Complaint reference, Date of report, Name of author

Introduction: Date complaint received, description of allegation / nature of complaint

(what is alleged, by whom, against whom)
Description of the alleged breach i.e. if the allegation is true which rule(s) and/or policy have been broken

Methodology: Describe what fact-finding has taken place, when and by who

Evidence: List all of the evidence (and include them in the appendices)

Response: Provide detail of the Respondent's response to the allegation

Mitigation: Provide mitigating information. Include here the length of time the Respondent has been a Club member, contribution they have made, role they have played in the Club, previous complaints if any.

Findings: Describe the information gathered by the fact finding.

Conclusion: State with supporting reasons whether there is :
A case to answer OR
No case to answer OR
No case to answer and evidence of a vexatious complaint

## Appendix 4– example actions

**A4.1** In the event that the Disciplinary Panel decides that a complaint is upheld they will decide what action (if any) is appropriate. In deciding what action to take the Disciplinary Panel should be mindful of previous decisions and actions applied for other complaints. Where appropriate the Disciplinary Panel may apply a combination of actions.

**A4.2 Supporting changes to behaviour**
Consideration should be given to how the Club may help the Respondent to change their behaviour. This could involve mediation, training and signposting the Respondent to sources of help and support e.g. counselling. It may be the case that the Complainant will not engage in mediation, but this should not result in an escalation in the action to be applied by the panel. Instead other, supportive actions would be appropriate.

**A4.3 Written Warnings**

Written Warnings may be issued by the panel and should set out:

- the nature of the misconduct
- the change in behaviour /action required (with timescale);
- how long the warning will remain current;
- the consequences of further misconduct within the set period

(E.g. Action required might be to attend a specific training course. Consequences of further misconduct might be a final written warning)

**A4.4 Suspension**

The panel may suspend a member from the Club. This may be for a specified period (i.e. a temporary suspension) or for some, specific Club activities. For example, a member may be suspended from on-water activities, but may be allowed to continue to socialise at the Club. The terms of the suspension should be made clear to the Respondent, including the time period and the consequences should the Respondent fail to abide by the terms of the suspension.

### A4.5 Expulsion

The panel may opt to permanently expel a member from the Club.

## Appendix 5 – sources of support

The Samaritans
Nationwide, non-religious, non-political 24-hour confidential support.
Telephone: 116 123. Email: jo@samaritans.org. Website: www.samaritans.org.

Citizens Advice
Citizens Advice give people the knowledge and confidence they need to find their way forward - whoever they are, and whatever their problem.
They help everyone who needs it with practical advice you can really trust. They offer confidential advice online, over the phone, and in person, for free.
Adviceline (England): 0800 144 8848
www.citizensadvice.org.uk

MIND
Mind is a mental health charity that provides information and support.
They empower people to understand their mental health and the choices available to them through:
Open 9am to 6pm, Monday to Friday (except for bank holidays).
Ask them about:

- Mental health problems
- Where to get help near you
- Treatment options
- Advocacy services

Infoline: 0300 123 3393
Email: info@mind.org.uk
Post: Mind Infoline, PO Box 75225, London, E15 9FS

Appendix 6 Complaint log template

| | Complaint Log | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Reference | Date complaint received | Summary description of complaint | Name of Lead Officer | Outcome:<br>● Upheld<br>● Partially upheld<br>● Dismissed | Decision: | | | Appeal | | |
| | | | | | Date decision made | Names of decision makers (and role held at the time of the decision) | Describe decision reached.<br>If any sanctions /actions applied, state what and give date when sanction ends. | Date received: | Outcome:<br>● Upheld<br>● Partially upheld<br>Dismissed | Nam of deci mak (and held the t of th deci |
| 001 | | | | | | | | | | |
| 002 | | | | | | | | | | |
| 003 | | | | | | | | | | |
| 004 | | | | | | | | | | |
| 005 | | | | | | | | | | |
| 006 | | | | | | | | | | |