



**EMBRACE  
CHALLENGE  
ACHIEVE**

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## **Complaints & Grievance Procedure**

*Approved by the Executive Committee in May 2019*

### **Background**

Bramcote Swimming Club (BSC or 'the club') takes seriously its responsibilities towards members and visitors in ensuring that it provides a safe and equitable environment for all. It adopts transparent policies that are developed in line with Swim England guidelines and welcomes constructive interaction with members and others. Notwithstanding this, it recognises that on occasions individuals may wish to register a complaint or grievance and, in such cases, it will follow this procedure.

Where possible, Bramcote Swimming Club will seek to resolve complaints informally. Where a complaint cannot be resolved informally, a formal complaint should be made in writing to the Club Chairperson stating the desire to raise a formal complaint. Formal complaints will be investigated by an individual or panel appointed by the Club's Committee.

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

Bramcote Swimming Club will respect complainants' desire for confidentiality wherever possible.

Bramcote Swimming Club will use the feedback provided by both informal and formal complaints to ensure that its systems and services are improved.

### **What is a Complaint?**

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.

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 Bramcote Swimming Club's Constitution or Procedures
- c) a breach of Bramcote Swimming Club's codes of conduct, policies or guidance

A Complaint may be made by:

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



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No complaints may be made under this policy regarding decisions made by referees at competitions held under the jurisdiction of Bramcote Swimming Club. Appeals procedures exist in respect of these matters

## **Policy**

It is club policy that this procedure will be adopted in a manner so as to make those wishing to register a complaint or grievance to feel they may do so safe in the knowledge it will be dealt with fairly and that they should feel free to raise their concerns without fear of victimisation or reprisal.

Although club members are asked to follow this policy, Swim England members are always free to pursue a complaint directly through the Swim England processes should they consider it appropriate to do so.

## **Who is the person to contact about a concern or to make a complaint?**

- a) If the concern relates to a breach of code of conduct or club policy by staff or volunteers, the Chairperson should be contacted
- b) If the concern relates to swimmer behaviour or a breach of the swimmer's code of conduct, the Chairperson or Head Coach should be contacted- the issue will then be dealt with according to the BSC Discipline and Behaviour policy
- c) If the concern is a potential welfare issue, the Welfare Officer should be contacted

*If you are not sure, contact the Welfare Officer and they will direct your concern to the correct person.*

- d) Any dispute which involves an allegation that there has been a breach of Swim England Regulations by a member must be dealt with as a complaint under Swim England Regulation 102 and the other relevant Regulations as outlined in the Swim England Handbook.
- e) If the dispute involves an allegation against a paid employee of the club the issue will be dealt with under the terms of their contract of employment.

This document explains the procedure for handling concerns/complaints described under a) above. Welfare issues will be handled by the Club's Welfare Officer.

## **Procedure**

Rather than allowing an issue or concern to fester, it is strongly advised that any person suffering a grievance should raise it promptly, as soon as the issue manifests itself. In some circumstances the first stage below may be omitted where the aggrieved party considers it to be inappropriate or potentially inflammatory.

### *Stage 1 - Informal review*

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. As soon as an aggrieved party is clear about their concerns they ought, wherever reasonably possible, approach the club official they believe to be the principle source of the grievance for an informal discussion.



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Such discussions must not be held in open forum or, if involving a coach, during training times if there is any reason to consider that discussion might become prolonged or disruptive.

This stage applies only to grievances against club officials; under no circumstances ought members air grievances with or against other members other than directly with club officials.

All club officials are charged with making themselves available to listen to such concerns objectively and, where the concerns are legitimate and appear to be in breach of club policy, to remedy the issue as soon as is reasonably practicable. Should the concern not be considered legitimate for good reason and such reasons are clearly stated to the aggrieved party who accepts the explanation then no further action is required.

In the event the parties are unable to reach such an agreement the procedure will proceed to stage 2.

#### *Stage 2 - Formal review*

A formal complaint should be made in writing to the Club Chairperson, where it has not been possible to resolve the matter informally or where the matter is of a serious nature, stating the desire to raise a formal complaint. Complaints of a serious nature would include gross misconduct, negligence or matters concerning the protection of young people or vulnerable adults. A complaint must normally reach the Club Chairperson no later than thirty days after the alleged incident that gave rise to it. A written complaint will only be considered if it includes the name and contact details of the complainant. Verbal and anonymous complaints shall be disregarded.

If the Chairperson is a party to the dispute, another officer of the club who is not a party, within seven days of the reference, shall appoint an independent person to act as a mediator between the parties. The mediator may be a member of the club or a member of another club affiliated to Swim England.

All such complaints will become a matter of record (subject to appropriate confidentiality being maintained).

Upon receipt of a written grievance the Club Chairperson will:

- a) Acknowledge receipt of the grievance within 5 days of its receipt
- b) Consider the significance of the grievance in order to determine an appropriate course of action.

If the matter relates to a welfare issue, it will be referred immediately to the Club Welfare Officer, who will deal with it as outlined in the Bramcote SC Safeguarding and Protecting Children and Young People policy and Wavepower.

Complaints alleging criminal activity may be referred to the Police.

Should the grievance be considered serious it may be referred directly to the next higher designated authority or body *e.g.*:

- The Regional Welfare Office and/or Police or Social Services
- Another relevant Swim England official.



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The Chairperson may investigate the matter in person or may appoint an Investigating Officer(s) (IO) to investigate the allegation. The Investigating Officer(s) will be independent of the matter being investigated and will remain impartial.

The Chairperson (or IO) 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.

The Chairperson (or IO) 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.

If the Chairperson (or IO), 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. If this is the case, all interested persons and/or bodies shall be notified immediately of the decision, setting out the reasons for the decision.

Where a complaint is lodged more than thirty days after an alleged incident giving rise to the complaint, and where the Chairperson (or IO) 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.

Where a decision is made to progress the complaint, the Club Chairperson (or IO) will inform the person(s) against whom the complaint is made and provide detail of the allegations or complaint. The accused person will be invited to provide a signed written statement in response to the allegations within 5 days of receipt.

Upon receipt of the accused person(s) statement the Chairperson (or IO) may request written statements from other relevant persons/witnesses to obtain corroborative evidence.

Then, depending on the nature or significance of the complaint, the Chairman (or IO) may either:

- Attempt to resolve the situation by implementing an action which is fair, reasonable and proportional to the complaint, or
- If the matter cannot be resolved it should be passed to the next higher designated authority or body as outlined above.

The Chairperson (or IO) will aim to respond fully to all grievances within 15 days of receipt of the original grievance or, where that is not reasonably practicable, to provide an alternative timescale within that timeframe.

If the Chairperson (or IO) is unable to bring about a satisfactory settlement within 21 days, the club committee shall within a further 14 days appoint a panel (the 'panel') to investigate the issue. The panel shall consist of three persons who have not been involved in the dispute, either from the members of the club or, if this is not possible or desirable, from the members of any other club affiliated to Swim England.

The parties shall be given the opportunity to object to any of the members of the panel at least seven days before the scheduled date of any hearing. The club committee shall consider any such objections, decide whether they are justified and act accordingly.



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Once an action has been determined the accused person(s) will be notified in writing of the course of action to be taken and the aggrieved party will be informed about the outcome of the enquiry.

In the event the grievance is upheld and action is taken against the accused person(s) they will have the right to appeal within two weeks of receipt of the letter describing the course of action and Stage 3 of this procedure will then be implemented.

Should a grievance not be upheld, the aggrieved party will have the right to appeal within two weeks of receipt of the letter describing the outcome and Stage 3 of this procedure will then be implemented.

### *Stage 3 – Escalation or Appeal*

Appeals should be made in writing to the Chairperson or, should it be a welfare matter, to the Regional Welfare Officer. Such appeals must include the original grievance, the documented response and clear justifications for the basis of the appeal explaining why the outcome was flawed.

Appeals made to the Regional Welfare Officer will be pursued in accordance with Wavepower. Appeals made to the Chairperson become a matter of club record (subject to appropriate confidentiality being maintained) and will be acknowledged within 5 days of receipt. Such appeals made the Chairperson will be submitted on the basis that the outcome will be binding on all parties; should appellants not wish to be bound by this they may pursue the Swim England grievance procedure directly.

Upon receipt of an appeal the Chairperson will:

Review the submission and determine whether there is a clear case of error or not. In the event the appeal is considered frivolous or argumentative the appeal may be rejected at this stage without further review.

Where the Chairperson considers the appeal may have merit he/she will:

- Appoint three other club committee members, one of whom should be an unrelated Executive Officer and Swim England member another a member who may have relevant expertise or perspective and the third a welfare officer, to review the appeal in a closed meeting with the Chairperson (the Appeal Committee).
- Following such meeting the Appeal Committee will arrange a formal review with the appellant, the accused Person(s) (should they not be the appellant), any witnesses the Appeal Committee consider necessary and any person(s) the appellant/accused person(s) may wish to represent or assist them. The date of such review will not be set so early as to prevent adequate preparation, nor so late as to incur inappropriate delay. Normally such reviews will take place behind closed doors starting one hour before a scheduled committee meeting.
- Chair the Appeal Review inviting submissions from all relevant parties, directing discussions and summarising the events/issues as described by the parties present.
- Wherever possible, following such review, the Appeal Committee will either uphold the original decision or reject it. Exceptionally they may consider it appropriate to



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modify the original determination in which case such ruling may itself become subject to Appeal.

- The decision of the Club's Committee shall be final and binding. It will be communicated to the appellant in writing by the Club Chairperson of Bramcote Swimming Club.

### **Confidentiality**

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. Bramcote Swimming Club may also take action if a complaint is found to be malicious or vexatious.