Brentford Community Boat House

Complaints and Disciplinary Procedure Policy

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Aim of this policy

Brentford Community Boat House (BCBH) is run by volunteer trustees who give their time freely to further the aims of the organisation and its users.
Occasionally situations occur where BCBH officials, employees, users (either individuals or groups of users) or activity participants are perceived to have behaved inconsiderately, inappropriately or in a way that is poor practice and contrary to standards prescribed in BCBH's Codes of Conduct, Policies or Rules. Therefore, it is necessary for BCBH to set out clear procedures for users, employees, participants or members of the public to be able to put forward their grievances to the Board of BCBH and to know that their issues will be dealt with swiftly and fairly in order to achieve a resolution.

This policy sets out BCBHs procedures for dealing with minor, formal and safeguarding complaints between officials, users and non-users.

BCBH will ensure that any Trustee or user that has a direct interest in the outcome of a complaint shall not take part in the complaints and/or disciplinary process.

Definitions

- **Minor complaint** – a dispute or disagreement about behaviour or practice resulting in some resentment, or hindrance to the complainant's enjoyment of the sport.
- **Formal complaint** – an allegation of abuse or poor practice that causes distress or a risk of harm to the adult complainant or another user or non-user of the facility. A formal complaint may also result from the accumulation of a series of minor complaints relating to an individual user or group of users.
- **Safeguarding complaint** – may be an allegation of abuse or poor practice that causes distress or a risk of harm to a child under 18 years of age or an adult at risk.
- **Misconduct** – unacceptable or inappropriate behaviour, or poor practice contrary to BCBH's Codes or Conduct, Policies or Rules.
- **Disciplinary action –** misconduct may result in the official(s), employee(s), user(s) or their parent organisation(s) being required to take corrective measures, being suspended or barred from use of the facility.

Disputes between users

BCBH expects disputes between users of the facility to be resolved by their respective parent organisations. Where this is not possible or where the issue impacts on other users or members of the public, a dispute may be referred to the BCBH Trustees.

Minor complaints

BCBH expects users to attempt to settle minor disputes between themselves. The aim of this is to resolve the situation at a level where for example a simple apology and agreement not to repeat an

action may be sufficient, without the need of the involvement of others or disciplinary action.

There may be situations where the complaint is minor, but requires other considerations to be taken into account or others to be involved:

i. In situations involving a junior or adult at risk the advice of the BCBH CWO (or the relevant WO of associated user organisations) may be sought, and a guardian/carer should be involved in any written communication or meetings. Dated notes should be taken as a record of what was discussed and what outcomes are expected.

ii. In situations where the complainant is a BCBH Official or employee, BCBH expects them to try and resolve issues sensitively and appropriately with users, whereby measurable targets for improvement are set. Warnings may be given that sanctions will be made if the cause of the complaint is repeated.

iii. In situations where a BCBH Official or employee is the subject of a complaint, the complainant can seek the assistance of a BCBH Trustee to help facilitate a resolution.

iv. In situations where the parties involved cannot reach a resolution, or a resolution is rejected by one party, then members can seek the assistance of the Chairman of the BCBH Trustees to help facilitate a resolution.

In all cases, the subject of the complaint will be expected to demonstrate an improvement in their conduct towards the complainant. Any repetition of the action or behaviour that results in further complaints, may be treated as Formal Complaint.

If the Chairman feels that the complainant is pursuing the complaint without good reason, e.g. because a reasonable resolution has been rejected, then they may reject the entire complaint.

Formal complaints

Any person (whether a user or not) with a serious complaint about another person (whether a user or not) or group, should deliver the complaint in writing or in an email to the Chairman of the BCBH Trustees.

Complaints may be made about any action of a BCBH official, employee, user or non-user that they believe is contrary to BCBH's Codes of Conduct, Policies or Rules, but there are some specific cases which are considered automatically as grounds for a formal complaint, such as:

i. Bullying

ii. Discrimination

iii. Becoming a burden on BCBH:

- Repeatedly registering complaints against other users.
- Repeatedly requesting changes to BCBH policies

iv. Persistent disruption to the normal running of the boathouse:

- Taking out or moving boats or other equipment which belong to other users.

- Failing to report damage.
- Failing to secure the boathouse when unattended.

Upon receipt of a complaint the Chairman shall decide on whether to start the following process at step 1 or step 2 and should inform those involved; the person complained against shall be advised of the nature of the complaint. The following steps will be completed in sequence:

Step 1. Informal Discussion - the Chairman will facilitate a meeting between the parties to seek a resolution with actionable outcomes.

If either party is unwilling to attend a meeting, is unsatisfied by the outcome or a resolution cannot be achieved then the process will move to Step 2.

Step 2. Complaint Hearing Committee - this will comprise at least 3 individuals drawn from the BCBH Trustees and senior members of user organisations not involved in the complaint and advice may be sought from the CWO. If there are good reasons why a joint meeting of both parties cannot be achieved then it will be permissible for the committee to take depositions from both sides. Both the complainant and the subject of the complaint may bring one other person with them as support, and if either is under the age of 18 they must be accompanied by a responsible adult. Should either party refuse to take part, then the committee may hear the complaint without them present.

Step 3. Complaint Decision - the Committee will decide to uphold or reject the complaint. If the complaint is rejected, then this decision should be deemed to be final. If the complaint is upheld and the subject of the complaint is adjudged to be guilty of misconduct then the Committee will proceed to Step 4.

Step 4. Disciplinary Measures – the Committee will decide on the appropriate measures to apply. These may involve any of the following:

i. giving the subject of the complaint a period of time in which to demonstrate that they have corrected their behaviour.

ii. asking the subject of the complaint to sign a written agreement refraining from a repeat of the cause of the complaint.

iii. enforcing a ban or restriction on the subject of a complaint in relation to a specified activity.

iv. suspending use of the boathouse by the subject of a complaint for a specified length of time.

v. in cases of serious misconduct, repeated misconduct or serious breaches of BCBH's Codes of Conduct, Policies or Rules, the subject of the complaint may be barred from using the facility.

Step 5. Disciplinary Appeal - a person disciplined under these procedures will have the right of appeal to the Trustees of BCBH. A majority of the votes of the Trustees present will decide whether to uphold the disciplinary measures.

Disciplinary Measures - employees

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

If an offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the

employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). Dismissal decisions can only be taken by the appropriate Trustee, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 24 months subject to achievement and sustainment of satisfactory conduct or performance.

If an employee is accused of an act of gross misconduct, they may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Record of complaints heard

The meeting(s) will be minuted, and the minutes will be shared with the complainant, the subject of the complaint and the BCBH Trustees. All recipients of the minutes will be expected to keep them private. A record of all complaints made will be kept for five years, with copies to be held by the Chairman of the Trustees, and these are to be passed on to subsequent holders of the post.

Where the subject of a complaint is given a period in which to improve their performance or conduct, they will be given a written notice of what is expected of them and the period in which they are expected to show improvements. Upon satisfactory completion of that period, the record will be kept for a further 6 months and then disregarded for future disciplinary purposes.

Malicious complaints

If a user makes repeated complaints which are considered to be without merit, then the Trustees may decide to take action against that user, which may include any of the following:

- Removal of the right to contest the decisions of the Chairman
- Suspension of user privileges
- Removal of user privileges

Rejecting complaints

In circumstances where the Chairman considers that a complaint merits no further action, either because there is little or no substance to the complaint or because the issue is not serious enough,

then they may reject the complaint. Rejections shall be given in writing, so that there is no doubt about why the complaint is being rejected.

The complainant may appeal this decision, by asking for the Trustees to consider it, and the decision of the Trustees is final on whether further action is warranted. This would be dealt with at a separate meeting convened specifically for this purpose and must include a quorum of the Trustees as defined by the BCBH's Articles. The complainant may bring one other person with them as support.
Because this is a decision about whether or not the complaint should be considered further, this does not require the attendance of the subject of the complaint, as if the decision is made that no further action is needed then there will be no complaint registered against that person.

Safeguarding complaints

In cases where a formal complaint involves the welfare of a junior user (below the age of 18 years) or an adult at risk, the Chairman will inform the Chief Welfare Officer (CWO). Depending on the nature of the complaint, the CWO may refer the matter to British Rowing, who will follow the procedures
outlined in their Welfare Guidance WG 1.7 '*Complaints and Disciplinary Procedures'* or British Canoeing.

Information for those against whom a complaint has been made can be found on British Rowing's website, under Welfare Guidance WG. 1.10 '*Information for those against whom a complaint of poor practice or an allegation of abuse has been made'.*

Where necessary to protect the interests of the child or adult at risk, and/or following advice from British Rowing or British Canoeing, serious issues will be reported to an appropriate authority, e.g. if there is a reasonable suspicion that a criminal offence has occurred, the issue will be reported to the police.