

# Internal Disputes & Complaints Procedure



## Introduction

Kingston upon Hull Swimming Club Internal Disputes & Complaints Procedure follows Swim England guidelines. All internal disputes & complaints will observe the following key principles:

1. All parties will be fairly treated.
2. The complainant has the opportunity to present their case.
3. The accused has an opportunity to respond or call witnesses.

Any members of the club with wellbeing or safeguarding concerns must raise the matter directly with the Club Welfare Officer. Swim England guidance on wellbeing or safeguarding definitions, processes and procedures can be found at:

<https://www.swimming.org/swimengland/wavepower-child-safeguarding-for-clubs/>

### **Please note:**

*The Swim England Judicial Laws defines Complaints as:*

*‘A complaint is a formal expression of dissatisfaction with the actions or behaviour of any person, including an individual or a club, or other body, or organisation or with alleged unfair practice in connection with the sport’*

*A dispute an informal expression of dissatisfaction, **and it is only a dispute that can be dealt with by this club**, with the aim of the club to, resolve a dispute within the club without the issue becoming a formal complaint and been referred to the Swim England formal complaints processes.*

*It is also important to note that the Club only has the power to legislate for a breach of our own rules/constitution and can suspend a swimmer from the club. As a club we do not have the power to handle a dispute of or relating to a member of another club, nor to deal with an offence against Swim England Law.*

*The club can deal with a dispute between the Club and one or more of its members. There are occasions when a problem arises where immediate action is required, such as a temporary suspension or exclusion from a wider range of club activities.*

This procedure should also be read in conjunction with the Swim England Code of Ethics, paragraph 6 of the club Constitution (expulsion and disciplinary action) and club codes of conduct in relation to swimmers and parents. (Please see further guidance section)

All internal disputes must be emailed to [kuhsctrustees@outlook.com](mailto:kuhsctrustees@outlook.com) or if you believe the matter is of a child welfare or safeguarding matter please email the Club Welfare Officer at [safeguarding@kuhsc.co.uk](mailto:safeguarding@kuhsc.co.uk)

## **Procedures**

### **Step 1. Informal and Amicable settlement**

Every effort will be made when an internal dispute arises for the parties to settle the issue in an informal manner. Only when this avenue has been exhausted and no satisfactory conclusion reached, should the next steps be taken. There is no time limit on this stage but three weeks should be considered as reasonable time, however as highlighted above, matters of urgency will be dealt with as soon as practicably possible.

Any person facilitating this process should acknowledge the dispute within 24 hours of receiving it. It is the aim of the club and in the interest of all parties that disputes should be resolved at this informal stage except in the most serious of disputes and complaint referrals to Swim England.

**If it is not possible to resolve the matter informally then proceed to Step 2 below:**

### **Step 2. Dispute is referred to the chair.**

If the Chair is party to a dispute, another club officer is appointed, the chair may delegate this to the clubs Internal Disputes and Swim England Complaints Manger. The chair or club officer appoints an independent mediator within seven days of the referral, usually a committee member. If the mediator is unable to bring about a satisfactory settlement within 21 days then dispute progresses to step 3 below.

### **Step 3. A panel is appointed.**

This consists of three people not involved in the dispute is established these are usually a club member, committee member, or any person affiliated to the Swim England. Parties will be given the chance to object to these appointments.

## **Panel Hearing Procedure**

### **Before a hearing**

The Panel should appoint a chair and that person should arrange the date of the hearing and notify all parties of the arrangements at least 14 days in advance of the hearing. The date should not be changed unless there is a compelling reason to do so.

### **At the hearing**

The chair should ensure that the hearing is conducted in an orderly manner and that each party has the opportunity to give and call evidence. Any witnesses called should be provided with a separate area from the meeting and should not take part in the hearing other than to give evidence and respond to questions.

Parties should be informed of their right to make a complaint under regulation 102 (Swim England judicial regulations) if they are dissatisfied with the conduct of the hearing or if they consider any sanction imposed to be disproportionate.

The panel has the ability to:

- Find that there is no case to answer.
- Issue a verbal or written warning/reprimand.
- Suspend a member for a specified period of time, with immediate effect.
- Require a member to resign if, in its opinion, the interests of the club have been compromised by the member. If expulsion is proposed, the individual will cease to be a member of the club. Such action may be subject to any overriding Swim England Complaints Procedure.

### **After the hearing**

The panel should come to a decision as soon as is practically possible after the hearing. If possible announce the findings orally to the parties. In addition the secretary should send in writing the panels findings to all of the parties within 5 days of the hearing.

### **Considerations regarding children**

Any minor who is party to an internal dispute or acts as a witness should be accompanied by a person with parental responsibility for them. The chair of the panel has sole discretion in deciding whether it is appropriate for a minor to present, defend or act as witness at a hearing

No child under the age of 14 should be expected to attend a hearing in person. Evidence should be presented with the help of the Welfare Officer (or other adult acceptable to the parent) in the form of a written statement.

A minor aged 14-18 should be given the choice of whether they want to attend.

During a hearing, a child should only be present for the parts of the hearing that are necessary for him/her to give evidence. A separate waiting area should be available.

The chair of the panel should consult with the minor's parent as to who will deliver the panel's findings to the child.

### **Further Guidance:**

- Swim England Hand Book : <https://www.swimming.org/swimengland/swim-england-handbook/>
- Swim England Code of Ethics: can be found in the Swim England Rule Book (2019 edition page 25)
- Swim England Wave power 2016-19: Child safeguarding policy and procedures for clubs: <https://www.swimming.org/swimengland/wavepower-child-safeguarding-for-clubs/>
- Club codes of conduct: available on the club website.
- Swim England Judicial Laws in relation to Internal Disputes can be found in the Swim England Hand Book (see above) and they are in Regulations 150 to 155 inclusive. It is these laws that must be followed, this procedure offers only guidance on those laws.

### **Contact Point:**

All internal disputes in the first instance must be emailed to [kuhsctrustees@outlook.com](mailto:kuhsctrustees@outlook.com) or if it requires more urgency or sensitivity please contact the Club Welfare Officer, Internal Disputes and Swim England Complaints Manager or any Committee member whose details are on the club website.