



LORC Disciplinary & Grievance policy

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1. Policy Statement

- 1.1. The London Otters Rowing Club (LORC) is committed to providing a fair, consistent, and proportionate approach to the handling of grievances and disciplinary matters.
- 1.2. It is the Club's intention to promote a culture where it is safe and acceptable for any person to raise any grievance or concerns.
- 1.3. No person should be victimised for raising concerns or making a complaint.

2. Scope & Aim

- 2.1. This policy applies to all members, officials, volunteers and employees of the Club. Club members are also expected to take responsibility for the conduct of their non-member friends, family and associates participating in Club activities.
- 2.2. The disciplinary & grievance policy and procedure is designed to provide an open and transparent route for complaints to be made under this procedure, to be resolved fairly and within a reasonable period.
- 2.3. An overview of the process is available in Appendix I.

3. General Principles

- 3.1. The Club Committee is responsible for managing the affairs of the Club. The Club Committee holds a list of approved Club members and third parties from other organisations (e.g. Royal Docks Adventure) identified to deal with complaints and grievances, as outlined in section 13 below.
- 3.2. The members of the Club are expected to support the Club by observing the Club policies, rules and Code of Conduct, and ensure that the conduct of their non-member friends, family and associates participating in Club activities is also in accordance with those documents. Members who fail to do so may be subject to disciplinary action.
- 3.3. In addition to this, the Club must promote fair and consistent treatment of all. Members of the Club may feel aggrieved by actions of others within the Club and may wish to raise a grievance.
- 3.4. If the complaint involves either a junior member below the age of 18 years or an adult at risk, the Club Welfare Officer (unless the CWO is the subject of the complaint) and the parent/carer will also be informed and invited to attend any meetings that take place. Depending on the nature of the complaint, the CWO may refer the matter to British Rowing.



- 3.5. Where necessary to protect the interests of the junior or adult at risk, and following advice from British Rowing, 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.
- 3.6. This procedure seeks to operate in a fair manner; it does not seek to reproduce elements of the criminal law or criminal justice system. It is not a formal legal process, and the rules of evidence in English law do not apply: the standard of proof required is the balance of probabilities; that is, it is more likely than not that the alleged misconduct occurred. The procedure complies with the rules of natural justice, which confer on a member the right to know the case against them, the right to be given an opportunity to defend themselves, the right to confidentiality and the right for the case to be considered by an impartial arbiter.
- 3.7. The Club will wherever possible seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, members will be advised of the reasons for this.
- 3.8. This procedure may be amended at any time and may be departed from depending on the circumstances.
- 3.9. With a view to ensuring the safety of members, in certain situations, Committee members will intervene outside of the scope of this policy in order to de-escalate such situations and/or ensure members' safety. Any Committee member intervening will ensure that one of the Club Chair, Club Captain, Club Safety Officer and Club Welfare Officer is informed of the issue (if not already present and taking action) so that any appropriate, interim measures can be implemented.

4. Grievance Procedure

Informal procedure

- 4.1. Most grievances can be resolved by informal discussions or counselling. In the first instance, any grievance should be raised with either the relevant Squad Captain(s), or the Club Safety or Welfare Officers, who will attempt to resolve the issue informally.
- 4.2. If any of these officers are involved in the grievance, or the party does not wish to confide in them, they should involve the Club Captain or the Chair instead.
- 4.3. If the issue cannot be resolved informally, or if it is considered to be sufficiently serious, then the formal procedure set out below should be followed.

Formal procedure



- 4.4. All grievances should be raised in writing via email to the Club Secretary (or if it relates to the Secretary, the Club Chair). For the avoidance of doubt, in instances where the Club Committee considers that there has been a violation of the Club Constitution, or other rules, codes of conduct or policies, the Club Committee may raise a grievance and will be deemed to be the complainant for the purposes of this policy.
- 4.5. Upon receipt of a grievance, the Secretary (or Chair, as applicable) will:
 - Acknowledge receipt of the grievance within a reasonable period (where possible within 48 hours) and provide the complainant with a copy of the Club's disciplinary and grievance policy.
 - Appoint an independent mediator, from the approved list (see 3.1 above) in consultation with the complainant. If a mediator cannot be appointed from the approved list. The decision of the Secretary (or Chair, as applicable) on this appointment is final.
- 4.6. The mediator should seek to establish the full details of the matter and consider the substance of the issue raised. The mediation is not binding but may help to resolve the situation, clarify any misunderstandings, or help identify the issues in dispute.
- 4.7. The mediator should seek to resolve the grievance to the satisfaction of all parties. A written record of the details of the matter, and the outcome of the mediation will be provided to all parties and kept in the Club's confidential records. The outcome of the mediation stage is not binding but may be referred to in any subsequent hearing or appeal.
- 4.8. At any point during the mediation, the mediator may decide that the matter would be more appropriately dealt with by way of a hearing (see 4.10-4.21).
- 4.9. If the complainant is not satisfied with the outcome of the mediation, they must set out in writing the reasons for their position and request a hearing within 14 days of the outcome of the mediation via email to the Club Secretary (or if it relates to the Secretary, the Club Chair).
- 4.10. The hearing should be held within a reasonable timescale which generally should not exceed one month from the receipt of the request for a hearing.
- 4.11. The complainant and the party to whom the complaint relates must be given at least 14 days' notice of the grievance hearing in writing. This notice will include:
 - Details of the grievance, including, where possible, details of any club rules, codes of conduct, or policies that may be relevant to the hearing,
 - Details of the Club's disciplinary procedure, including timescales, and the right of appeal,
 - Date, time, and location of hearing,
 - The fact that the member has the right to attend to state their case and may be accompanied by a representative or friend,



- That the hearing could result in disciplinary action and that any previous warnings will be considered when deciding the action to be applied.
- 4.12. The hearing panel will comprise 3 members and should be appointed by the Secretary from the club membership, with the chair of the panel being selected from the list of approved members described in 3.1 above. All panel members must be independent from the dispute.
- 4.13. The complainant and the party about whom the complaint is made should signify their agreement to the members of the panel.
- 4.14. The panel must give a fair and independent hearing to both sides of the dispute within an appropriate and agreed timescale.
- 4.15. The parties to the grievance each have a right to be accompanied by a single person of their choosing to any hearing or other meetings in connection with a hearing.
- 4.16. Hearings can be conducted in person or, if this is not practical, by telephone or video conference.
- 4.17. The grievance hearing will:
 - Outline the complaint,
 - Consider the mediator's report and the issues involved. If considered necessary, the hearing panel may call witnesses,
 - Allow each party or their representative (but not both) to state their case,
 - Decide on the merit of the complaint and if necessary, seek to agree a means to resolve the grievance,
- 4.18. Should the hearing panel find that a breach of the Code of Conduct and/or other Club policy has occurred, such that disciplinary action is appropriate, then the grievance procedure will end and disciplinary action will begin, in accordance with section 5 below.
- 4.19. If either party chooses not to attend the hearing in person or remotely, the hearing panel, if properly constituted, has the right to proceed with the hearing in their absence or based on written submissions.
- 4.20. The hearing, and any associated meeting, shall be minuted, and the minutes shall be shared with the complainant, the person to whom the complaint relates and the Club Committee within 14 days. All recipients of the minutes must keep them private. A record of all complaints made will be kept for five years, with copies to be held by the Chair and Secretary, and passed on to subsequent holders of each post.
- 4.21. The result of the hearing, together with sufficient reasoning to explain the decision, must be communicated to both parties within 14 days and the panel will



report the outcome of the hearing at the next available meeting of the Club Committee, along with any recommendations for further actions.

5. Disciplinary Procedure

- 5.1. Should the hearing panel find that a breach of the Club's Code of Conduct and/or other Club policy has occurred, disciplinary action may be applied, as outlined in Section 7 below.
- 5.2. Written confirmation of the disciplinary decision will be sent to the Member by the chairperson of the panel within 14 days of the hearing and contain the following information:
 - The decision and reasons for the decision,
 - In the case of warnings, the fact that there is time limit after which the warning may be disregarded for future disciplinary purposes,
 - The right of appeal and the appeal procedure.
- 5.3. If the outcome of the hearing/disciplinary procedure is unacceptable to either party, they have the right to request an appeal (see section 9).
- 5.4. The chairperson of the panel shall report the outcome of the hearing/disciplinary procedure to the next available meeting of the Club Committee.

6. Discovery Of Suspected Criminal Conduct

- 6.1. Where during the mediation or hearing the mediator or chairperson of the panel becomes aware of, or suspects criminal conduct, they should inform the Club Committee immediately.
- 6.2. The Club Committee members will review the information, and in consultation with British Rowing may refer the matter to the relevant authorities.
- 6.3. Suspected criminal conduct does not require the club's disciplinary process to be paused or stopped.

7. Sanctions

7.1. Verbal Warning

- 7.1.1. A verbal warning may be appropriate if the act or omission is considered minor misconduct and is unlikely to be repeated.



- 7.1.2. This warning will be noted by the Club Secretary for future reference.
- 7.1.3. Verbal warnings will lapse and be disregarded for any future disciplinary purposes after a period of six months.

7.2. Written Warning

- 7.2.1. A written warning may be appropriate if the matter is judged misconduct or is likely to be repeated or has occurred whilst a verbal warning is still in force.
- 7.2.2. This warning will be noted and retained by the Club Secretary for future reference.
- 7.2.3. Written warnings will lapse and be disregarded for any future disciplinary purposes after a period of one year.

7.3. Withdrawal of Membership

- 7.3.1. Withdrawal of membership from the Club, either on a temporary or permanent basis, may be appropriate if the matter is judged gross misconduct (see point 8) that seriously affects the interests and/or good reputation of the Club, (or is a further misconduct that has occurred whilst a written warning is still in force).
- 7.3.2. The panel may suspend a member's membership with immediate effect, with that suspension remaining in place until any appeal process has concluded, or the appeal period has lapsed.
- 7.3.3. The ultimate decision to expel a member, and notification of that expulsion, is the responsibility of the Club Committee.
- 7.3.4. The decision to expel a member requires a quorum of the Club Committee as defined by the Club Constitution, reaching a simple majority verdict.
- 7.3.5. Any person expelled may apply to rejoin the Club after a period of not less than one year has elapsed.

7.4. Referral To British Rowing

- 7.4.1. In addition to the sanctions available to the Club, it may refer the matter to British Rowing for further sanctions or investigation.

8. Gross Misconduct

- 8.1. Gross misconduct will usually result in: for **employees**, dismissal without warning, with no notice or payment in lieu of notice (summary dismissal); for **volunteers**, a



request they cease to perform services for the Club; and, for **members**, expulsion from the Club.

8.2. The following are examples of matters that are normally regarded as gross misconduct:

- (a) theft or fraud;
- (b) physical violence or bullying;
- (c) deliberate and serious damage to property;
- (d) serious insubordination;
- (e) unlawful discrimination or harassment;
- (f) sexual harassment or rape;
- (g) bringing the Club into serious disrepute (e.g. slander, unlawful behaviour whilst representing the Club);
- (h) serious incapability at the Club brought on by alcohol or illegal drugs;
- (i) causing loss, damage or injury through serious negligence;
- (j) a serious breach of health and safety rules.

This list is intended as a guide and is not exhaustive.

9. Appeals

- 9.1. A member may appeal against a decision of a grievance hearing and/or disciplinary action taken. The appeal is to the Club Committee (excluding any of its members who may have been members of the hearing panel or any about whom the relevant grievance was made).
- 9.2. The appeal process is not designed to hear the case again. It is only designed to ensure that if the hearing panel failed in some way to consider the matter fairly and properly, then a review is available.
- 9.3. The appeal must be made by written notice to the Club Secretary within 14 days of receiving the hearing panel decision. The appeal notice must state the grounds for the appeal.
- 9.4. An appeal hearing must only be granted where there is a strong arguable case that at least one of the following applies:
 - relevant information was ignored or not considered by the original panel;
 - the process was tainted by unreasonable bias or conflict of interests;
 - the provisions of this grievance and disciplinary policy were not adhered to; and/or



- the findings of the original hearing were irrational or otherwise exhibited serious errors of natural justice.

- 9.5. If the appellant cannot clearly establish one or more of these criteria, then the appeal must not be allowed. The Club Committee (subject to 9.1 above) will rule if the appeal is valid or not through simple majority verdict and their decision will be final.
- 9.6. On receiving the valid written appeal notice, the Club Secretary shall call a special meeting of the Club Committee (subject to 9.1 above) to hear the appeal.
- 9.7. The chairperson of the hearing panel will attend the special Committee meeting to explain the process leading to the decision.
- 9.8. The party(s) involved may be accompanied by a representative and they or their representative (but not both) will be allowed to explain their grounds for appeal and why the hearing panel's decision is disputed.
- 9.9. If any party chooses not to attend the appeal hearing, the special Committee may proceed with the hearing based on written submissions to hand.
- 9.10. The special Committee meeting will vote by simple majority. The decision is final.
- 9.11. Written confirmation of the decision and sufficient reason to explain the outcome must be communicated to all parties within 14 days of the appeal hearing.

10. Disciplinary Offences Which Are Also Subject To Criminal Investigation

- 10.1. When a case is being investigated by the police, the Club will first and foremost co-operate with the criminal investigation. This will not preclude the Club from taking precautionary action where there is deemed risk to the wider Club community.
- 10.2. When a complaint is made by a member against a member which results in an investigation by the police, the Club reserves the right to inform the complainant of any requirements that the police have placed on the Club's grievance and disciplinary procedure.
- 10.3. When a matter is subject to police investigation as well as the Club's grievance and disciplinary procedure, the Club reserves the right to communicate with the police as relevant.
- 10.4. When there is a criminal investigation, the mediator or the chair of the hearing panel, as applicable, will make regular contact with the member under investigation in accordance with the disciplinary and grievance procedure policy and/or police to review any progress and/or change in status regarding the case. When there are updates to the progress and/or change in status regarding the



case about which the member under investigation learns, the mediator or the chair of the hearing panel, as applicable, must be updated within 24 hours.

- 10.5. When a charge has been brought, or the criminal investigation results in a caution or conviction, the chair of the hearing panel will recommend next steps as far as concerns the Club in line with the disciplinary process, taking into account the following guidance:

- When the member has been charged with, cautioned in connection with or convicted of a criminal offence, the panel will review if the offence(s) are a breach of the Club's rules that may be considered under the procedure. In the case that the matter has resulted in a conviction in a criminal court, this shall be taken as conclusive evidence that the alleged offence has occurred, and no further investigation shall be required by the Club.

- When a charge has been brought, or a caution or criminal conviction has been made, the focus of the Club's disciplinary proceedings may include an assessment of the risk posed to other members. It may also include assessment of the material impact caused by reputational damage to the Club, particularly when this impedes or interferes with the normal operations of the Club, or when it affects important relationships between the Club and key individuals, agencies, and stakeholders. If disciplinary action is taken, the penalty imposed by the court shall be considered when determining any further penalty.

- When a member has been acquitted the panel will consider the decision of the court.

- 10.6. This policy is compliant with the Rehabilitation of Offenders Act in regards to spent convictions.

11. Precautionary Action In Advance Of A Disciplinary Hearing

- 11.1. When the nature of the alleged disciplinary offence suggests that there may be risk to the safety of others, where the member accused may be at risk of harm, or where the accused member's presence at the club may impede an investigation, the chair of the hearing panel should request the Club Health & Safety or Club Welfare Officer to undertake a risk assessment, which may result in action as follows:

- As a first step they may require the member to comply with specific written conditions. Any such conditions should not be regarded as a penalty and do not indicate that the member is presumed guilty of any offence. The purpose of those conditions is to outline the expectations for the member's conduct during a period of investigation - for example, it could include agreeing not to contact another member or not to attend the Club at certain times. The consequence of any breach of these conditions may result in escalation of the disciplinary process.



- A request may be made by the chair of the hearing panel or the Health & Safety officer to the Club Committee to suspend the membership of the individual or individuals involved, until such a time as any relevant investigations. A precautionary suspension should not be regarded as a penalty and does not indicate that the member is presumed guilty of any offence.

- The decision to temporarily suspend them may be communicated verbally in the first instance. When this is the case, written confirmation outlining the reasons for this decision and notice of the right of appeal should be provided within 7 days.

- 11.2. A member may exercise the right to appeal against the imposition of conditions referred to above in writing via email to the Club Secretary, within 7 days.

12. Confidentiality

- 12.1. The Club's aim is to deal with grievance and disciplinary matters sensitively and with due respect for the privacy of any individuals involved.
- 12.2. All members must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. Any member who breaches this rule will be subject to disciplinary action.
- 12.3. Members, and anyone accompanying members (including witnesses and note takers), must not make electronic recordings of any meetings or hearings conducted under this procedure. This rule helps us to comply with relevant data protection legislation. Any member who breaches this rule will be subject to disciplinary action.
- 12.4. Members will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless the hearing panel unanimously decides that a witness's identity should remain confidential.

13. Approved List

- 13.1. The Club will hold a list of members and third parties that the Club Committee may delegate authority to act on their behalf for the purposes of this policy.
- 13.2. Membership of the list is by appointment of the Club Committee at their discretion, as it is a direct delegation of their authority.
- 13.3. The members on the list referred to in section 13 may be required to undertake training to ensure they have the suitable skills and knowledge to properly satisfy the requirements of the grievance and disciplinary policy.

14. Vexatious Use of the Policy



- 14.1. The Club reserves the right not to pursue grievances that are frivolous or vexatious, or that merely repeat issues that have already been considered.
- 14.2. If a member makes repeated complaints which are considered to be without merit, then the Club Committee may decide to take action against that member, which may include any of the following:
 - Removal of the right to contest the decisions made under this policy
 - Suspension of membership
 - Termination of membership

15. Rejecting Complaints

- 15.1. In circumstances where the Secretary or Chair (as applicable) 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.
- 15.2. Rejections shall be given in writing, with reasons, so that there is no doubt about why the complaint is being rejected.
- 15.3. The complainant may appeal this decision, by asking for the full Club Committee to consider the complaint, and the decision of the Club Committee will be final on whether or not further action is warranted. This would be dealt with at a separate meeting convened specifically for this purpose, attended by the complainant and must include a quorum of the Club Committee as defined by the Club Constitution, reaching a simple majority verdict. The complainant may bring one other person with them to support them.
- 15.4. Because this is a decision about whether or not the complaint should be considered further, this process 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 shall be no complaint registered against that person.

16. Monitoring And Review

- 16.1. A formal review of this policy will take place if there is a significant change in relevant legislation, British Rowing guidance or Club needs.



Appendix I. COMPLAINTS PROCEDURE FLOW CHART

