

# Athlete/Employee/Contractor/Volunteer Grievance Policy & Procedure



## 1. Purpose and scope of the policy and procedure

- 1.1 The purpose of the grievance policy and procedure is to ensure that, as far as possible, grievances are dealt with and resolved informally through discussion between the aggrieved employees/contractor/athlete/volunteer/parent/technical official/committee member/Director or other involved party and their manager or main point of contact (budget holder/coach/head coach/Discipline Committee/CEO/PD/Board member). *Employees/contractors/athletes/volunteers/parents/technical officials/committee members/Directors in this policy will herein be referred to as 'stakeholders'.*

Grievances are concerns, problems or complaints raised by stakeholders and must be made in writing. However, before using the grievance procedure it is expected that a stakeholder will try to resolve their complaint informally if at all possible. The formal stage of the procedure should only be used when the informal stage has failed to resolve the issue or is not making progress at reasonable speed. Should the language and/or demonstrable attitude of the involved parties be clearly inappropriate, then the stakeholder may immediately resort to the formal procedure. If any questions arise from this document, please contact BSS Head Office for clarification.

- 1.2 In appropriate cases BSS may offer facilities for mediation.
- 1.3 This procedure applies to all BSS stakeholders. The sanctions involved vary by stakeholder and range from verbal or written warnings about behaviour, requests to desist through to loss of membership, loss of office, suspension of FIS licence or termination of employment.
- 1.4 This procedure takes account of the ACAS code of practice on grievance procedures and will be reviewed periodically in line with developments in good practice.

## 2. Principles of the procedure

- 2.1 The procedure is based on the following principles:
- Any grievance must be made in writing without unreasonable delay, normally within one month of the incident (or final incident) which gives rise to the complaint.
  - It is only possible to hear complaints that are within the power of BSS to remedy.
  - All proceedings, whether informal or formal, should, so far as is practicable, remain confidential.
  - A formal record of a hearing will be given to the stakeholder. In serious cases the hearing will be recorded and a copy given to the stakeholder.
  - The timescales set out may be extended with the agreement of the parties.
  - Where more than one stakeholder has lodged a complaint relating to the same, or substantially the same, issue, the complaints may be dealt with together in the interests of fair and consistent decision-making.
  - An employee or athlete has the right to be accompanied by his/her trade union representative or work colleague at every stage of the formal procedure. The procedure is internal to BSS and apart from external trade union representatives, does not allow for any external representation.

# Athlete/Employee/Contractor/Volunteer Grievance Policy & Procedure



## 3. Informal stage

- 3.1 If a stakeholder has a complaint that involves another stakeholder(s), they should first of all try to resolve the matter by discussing it informally with the stakeholder(s) involved.
- 3.2 If the matter remains unresolved, the stakeholder may request a meeting with their manager, main contact or Discipline Committee Chair who will try to resolve the issue. The meeting should be held within 10 working days of the submission of the request.
  - 3.2.1 If the unresolved matter involves the manager, coach, main contact or Discipline Committee Chair then the complaining stakeholder may escalate the issue to the Chairman or Senior Independent Director
- 3.3 If, after any action to resolve the grievance taken by the manager, main contact, coach or Discipline Committee Chair the stakeholder is still dissatisfied, they may proceed to the formal stage of the procedure.

## 4 Formal stage

- 4.1 If the complaint has not been resolved at the informal stage and the complainant wishes to proceed to the formal stage, the stakeholder may do so and the complaint will be heard by an Independent panel. The stakeholder must set out in writing the nature of their complaint and the reasons why they are dissatisfied with the outcome of the informal stage. The stakeholder should explain how they think it should be settled. This must be submitted to the Chairman of the Board.
- 4.2 Should the complaint relate to a process or decision, the Chair of the Board will appoint an investigating officer who will be asked to provide a full written report together with any relevant documents. The investigation should be conducted as quickly as possible while allowing for all relevant information and evidence to be gathered. A timescale for this will be agreed between the stakeholder and the investigating officer.
- 4.3 Should the complaint be against a named individual or individuals, the Chair of the Board will give them a copy of the complaint at the earliest opportunity. The individual will present their response at the hearing with a view to achieving a resolution without a formal investigation.
- 4.4 The panel will consist of a Board Director, another manager, and an external independent panel member. A note-taker, who is involved in the case will take down a record of the proceedings. Where possible, there should be a gender balance. The hearing will be held within 10 working days of receipt of the investigating officer's report, or within 10 working days of the complaint being received if it is against an individual. The complainant will be given five working days notice that the hearing is to be held. The complainant may request an alternative date to allow up to an additional five working days.
- 4.5 Any relevant written information or evidence must be made available to all parties at the earliest opportunity and, in any case, 24 hours before the hearing.
- 4.6 All parties involved will be allowed to attend and make representations at the meeting. Witnesses may be called.
- 4.7 Refusal of either party to attend shall not invalidate the proceedings.

# Athlete/Employee/Contractor/Volunteer Grievance Policy & Procedure



- 4.8 The panel, in seeking to resolve the complaint, may adjourn the meeting or defer a decision if more information is required.
- 4.9 The decision of the panel, reasons for that decision and any redress will be communicated to the stakeholder who has made the complaint. Where the complaint is against an individual, both parties will be given a copy of the decision. This will be handed to the stakeholder whenever possible or posted directly by recorded delivery to the stakeholder within three working days of the hearing and to the stakeholder's representative, where applicable.

## 5 Right of appeal

- 5.1 Should the complainant wish to appeal against the decision of the panel they must do so, in writing, to the Chair of the Board within five working days of being informed of the decision.
- 5.2 Should a stakeholder who has received a sanction (a sanctioned stakeholder) wish to appeal against the decision of the panel they must do so, in writing, to the Chair of the Board within five working days of being informed of the decision.
- 5.3 A request for an appeal must specify the grounds of the appeal preferably under one or more of the following headings:
- The nature of any redress
  - The finding of the hearing on a point of fact which is pertinent to the decision of the hearing
  - A failure to adhere to the published procedure.
- 5.4 Appeal hearings will be held at a time and place which will be notified to the stakeholder in advance. Whoever deals with the grievance at the meeting, will normally be excluded from hearing any appeal as an appeals panel member.
- 5.5 A member of the original panel will attend to present their findings and reasons for their decision. The stakeholder and the stakeholder's representative presenting the case should use the guidance attached at Annex 2 as best practice for the presentation of their respective case statements. Witnesses may be called.
- 5.6 The appeal will be heard by the Chair of the Board or nominated deputy and another Director with an external independent representative who has not been involved up until this point. The appeals panel members, the stakeholder and the management representative should receive the written cases five working days before the hearing. The format of the appeal hearing will depend upon the nature of the appeal. If it is a re-hearing it will follow the format at Annex 1.
- 5.7 The panel will hear all or part of the previous hearing depending upon the nature of the appeal. The panel has the scope to:
- Uphold all or part of the previous decision
  - Not uphold the previous decision.

# Athlete/Employee/Contractor/Volunteer Grievance Policy & Procedure



- 5.8 If the panel decides either to uphold only part of the previous decision or not to uphold the previous decision, it may at its discretion substitute an appropriate remedy of its own choosing.
- 5.9 Within three working days of the appeal the panel will record the decision and hand it to the stakeholder wherever possible otherwise it will be posted directly by recorded delivery.
- 5.10 The decision of the appeals panel is final.

# Athlete/Employee/Contractor/Volunteer Grievance Policy & Procedure



## Annex 1: Format of the formal grievance hearing

The panel shall be responsible for the proper conduct of the hearing, which shall be conducted on a formal basis.

1 The chair of the panel will conduct the introductions of those present and confirm the names of any witnesses who may be called. The chair of the panel will ensure that all parties understand the nature of the complaint and ask the stakeholder who is bringing the complaint to say how they think it should be settled.

2 The panel shall order the proceedings as follows.

- Ask the stakeholder to present their case allowing the investigating officer or respondent to ask questions after the presentation has been completed. The stakeholder may call witnesses or refer to documents previously circulated and necessary for the hearing.
- Ask the investigating officer or respondent to respond to the case, allowing the stakeholder to ask questions after the presentation has been completed. The investigating officer or respondent may call witnesses or refer to documents previously circulated and necessary for the hearing.
- The panel may ask questions on points of clarification at any time and may call witnesses. Questions shall be put to each party after it has presented its case.
- If either party wishes to present evidence not previously circulated the hearing may be adjourned to allow the other side to consider it.
- Allow the stakeholder and then the investigating officer or respondent the opportunity to sum up their cases. Neither party may introduce new matters in their summing up.

3 The panel adjourns to consider its decision, which shall be given as soon as possible after the hearing, but in any case within three working days of the hearing.

4 At the same time the stakeholder shall be advised of their right to appeal against the decision.

# Athlete/Employee/Contractor/Volunteer Grievance Policy & Procedure



## Annex 2: Guidance for appeal documentation

<b>Disciplined Stakeholder</b>	<b>Management</b>
1 Grounds of appeal.	1 Response to grounds of appeal
2 Case statement, which should include as appropriate: <ul style="list-style-type: none"><li>• introduction explaining the reasons for appealing</li><li>• summary of case</li><li>• outcome sought</li><li>• appendices</li></ul>	2 Case statement, which should include as appropriate: <ul style="list-style-type: none"><li>• Introduction, background to the case, processes followed on calling the original hearing, how the decision was arrived at.</li><li>• summary of case</li><li>• recommendations</li><li>• appendices</li></ul>

If papers are presented in this way it should be possible for the appeal hearing only to hear any specific comments or particular aspects of the case, rather than a repetition of the original hearing.