Grievance Procedures

for

Affiliated Members

England Athletics
Grievance Procedures

1. Introduction

1.1. These procedures will be used by England Athletics to resolve grievances raised with them.

1.2. Grievances arising in clubs, associations, competition providers and other bodies should be resolved within those organisations and only in exceptional circumstances will England Athletics become involved as a final level of appeal.

1.3. These procedures are transferable to each of the organisations described above.

1.4. A grievance is an issue, complaint, dispute, concern or problem, which does not involve alleged serious misconduct[1]. Allegations of serious misconduct should be resolved by reference to England Athletics' Disciplinary Procedures.

1.5. For the purposes of these procedures a person raising a grievance will be referred to as the Aggrieved and the individual against whom the grievance is being taken will be referred to as the Respondent. The terms 'Aggrieved' and 'Respondent' in the context of this document are in no way intended to imply fault by either party. At all stages of the grievance process the Aggrieved and the Respondent may be supported and accompanied by a supporter.

1.6. If in the course of these procedures evidence emerges of serious misconduct that the complainant wishes to pursue formally, these procedures will be put aside and the case will be dealt with under the England Athletics' Disciplinary Procedures.

1.7. These Grievance Procedures enable individuals or groups to raise issues that affect their well-being and ability to perform within athletics effectively. It is impossible to provide a comprehensive list of all the issues that might give rise to a grievance, but some of the more common include: breaches of health and safety; breaches of Codes of Conducts; breaches of policies, practices and procedures and equal opportunities. The Respondent may be an individual, a group of individuals, or an organisation, such as a club, county or other association, event organiser, or body such as England Athletics.

1.8. England Athletics recognises the importance of dealing with grievances, disputes and complaints seriously,

[1] For a definition of 'Misconduct' see England Athletics' Disciplinary Procedures

fairly and quickly.

1.9. Any person that raises a grievance will: -

1.9.1. Be given a fair hearing concerning any grievances they may have;

1.9.2. Have the right to be accompanied by a supporter when raising a grievance;

1.10. All parties to a grievance should cooperate constructively to resolve matters by informal methods wherever appropriate. It is hoped that grievances can be resolved amicably thereby maintaining, and where necessary, restoring good relations within the sport of Athletics.

1.11. A person with a grievance must state his or her grievance formally in writing to the Lead EA Welfare Officer which may be by email (unless it is resolved informally) for this procedure to be applied.

1.12. Where the person with a grievance has a disability England Athletics will make reasonable adjustments to ensure they are not treated less favourably. For example, if an Aggrieved is unable to submit a written grievance, because of a disability, England Athletics will provide assistance where reasonable.

2. Jurisdiction

2.1. England Athletics is the governing body for all branches of athletics in England incorporating cross country, fell and hill, race walking, road running and track and field. The Board of England Athletics holds ultimate responsibility for seeing that all grievances made to it are dealt with in accordance with its policies and procedures.

2.2. The Board and Council of England Athletics delegate specific management and governance functions to its Regional Councils which include a responsibility to the Lead Welfare Officer to resolve any grievances that are referred to it.

2.3. England Athletics is an employer and any grievance or disciplinary matters concerning members of England Athletics' staff shall be dealt with under separate procedures.

3. Raising Grievance Issues Informally

3.1. England Athletics is committed to the resolution of individual grievances informally whenever possible. An Aggrieved is strongly encouraged to seek to resolve any matter with the club, association or individual concerned prior to any action by England Athletics.

3.2. England Athletics staff should give any grievance that has been raised informally proper and full consideration. They will be encouraged and supported to facilitate mutually acceptable solutions to genuine concerns raised by people involved in athletics.

4. Raising Grievance Issues Formally.

4.1. Stage One

4.1.1. If the Aggrieved has not been able to resolve a grievance within the relevant club, association, competition provider and other bodies England Athletics will only become involved in exceptional circumstances and as a final level of appeal. The Aggrieved may request a review of the grievance by the England Athletics. The request should be made in writing which may be by email to the Lead Welfare Officer. The request should state the details of the grievance, the action taken by the Aggrieved to resolve the matter so far and the outcome or remedy sought and the exceptional circumstances which warrant the involvement of England Athletics. Copies of relevant papers in support of the grievance should be included with the letter. If the Lead Welfare Officer is a cause of the grievance, the Lead Welfare Officer, in consultation with the Chief Executive Officer will identify an appropriate member person to consider the grievance.

4.1.2. The Lead Welfare Officer or appointed Investigating Officer considering the grievance will notify the Respondent that a grievance has been submitted by the Aggrieved and will provide the Respondent with a copy of the grievance. The Respondent will be given the opportunity to provide a statement and any relevant papers in response to the grievance, normally to be returned to the Lead Welfare Officer or Investigating Officer within one week. Both Parties should be made aware that the information provided by them may be disclosed to the other party to the grievance.

4.1.3. In exceptional circumstances, it may also be necessary for the Lead Welfare Officer or Investigating Officer to carry out further investigation into the Aggrieved grievance by meeting with the Respondent and any relevant witnesses to any of the matters complained of. If this is necessary, the Lead Welfare Officer or Investigating Officer will again forward any witness statements and/or relevant papers to the Aggrieved.

4.1.4. It may be necessary to undertake further investigation of the grievance, in which case the meeting may be adjourned in order to enable this to take place, and reconvened within a reasonable period of time. The timetable for any further investigation necessary will be discussed and agreed with the Aggrieved. Every attempt will be made to address the issue promptly.

4.1.5. Following the meeting, the Aggrieved will be informed by the Lead Welfare Officer or Investigating Officer considering the grievance in writing of the decision under Stage One of the Grievance Procedure. This will normally be issued to the Aggrieved within one week of the close of the grievance meeting. The letter will generally summarise:

4.1.5.1. the nature of the grievance;

4.1.5.2. the investigation that was conducted;

4.1.5.3. the decision;

4.1.5.4. the reason for the decision;

4.1.5.5. any outcome for a change in practices as a result of the decision; and

4.1.5.6. a copy of meeting records and any formal minutes taken.

4.1.6. A copy of the paperwork referred to in 4.1.7 will also be provided to the Respondent. Any dissenting comments in connection with the decision will be recorded.

4.1.7. There may be situations where, with mutual agreement, it would be helpful to seek external advice and assistance during the grievance procedure or after it has concluded. For example, where relationships are strained a facilitator might be able to assist in resolving the problem. A facilitator may be used to assist in the rebuilding of relationships or to provide expert advice on a particular area of activity. The facilitator may be an external person or an agreed person active in athletics in the region not directly connected with the grievance. The Lead Welfare Officer or Investigation Officer considering the grievance may recommend the use of a facilitator with the agreement of the Aggrieved.

4.2. <u>Stage Two – Appeal.</u>

4.2.1. An Aggrieved who is not satisfied with the outcome of the grievance meeting held under Stage One above may appeal.

4.2.2. The Aggrieved should write to the Lead Welfare Officer within two weeks of receipt of the letter issued following Stage One of the Grievance Procedure. The letter should state the grounds on which the verdict of The Panel is challenged. The note must be accompanied by a cheque for £100 made payable to England

Athletics (the deposit) this deposit shall be held by EA and repaid to the Aggrieved in the event the Appeal Panel so decides. The remedy or outcome sought should be specified in the letter from the Aggrieved.

Costs

4.2.3. Each party shall bear its own costs (including but not limited to legal costs, scientific or other experts' fees, witness costs) in connection with Complaints made or Disputes or Appeals brought under these Procedures.

4.2.4. The costs of any mediator shall be shared by the parties equally and the costs of any arbitration body appointed shall be borne by the parties in such proportions as the arbitration body shall rule at the conclusion of the matter.

4.2.5. The Lead Welfare Officer shall appoint an Appeal Panel of three members; the Lead Welfare Officer will also be responsible for appointing the Chair of the Panel. These members shall be from people active in athletics.

4.2.6.

4.2.7. In the interests of fairness and impartiality none of the members of The Panel shall have been directly involved in the matter being considered.

4.2.8. The Appeal Panel should receive in advance copies of any documents that either party wishes to refer to during the Appeal Hearing. The Appeal Panel must also be informed of any witnesses whom either party wishes to put before the Panel. The Panel will decide whether it wishes to hear evidence from witnesses in person or whether it wishes to rely on written statements.

4.2.9. The Lead Welfare Officer will arrange for a Hearing to be convened for The Panel to consider the appeal.

4.2.10. The purpose of the Hearing will be to understand the on-going nature of the grievance, to review the basis for the earlier decision and to explore potential solutions. The Aggrieved will be afforded every opportunity to state their grievance at the meeting. It may also be necessary for further investigation to take place in which case the Hearing may be adjourned to enable this to be undertaken, and reconvened within a reasonable period of time. Again, the timetable for investigation will be discussed and agreed with the Aggrieved. Every attempt will be made to address the issue promptly.

4.2.11. The letter with the decision under Stage Two of the Grievance Procedure will normally be issued within one week of the conclusion of the Hearing. The letter will generally summarise:

4.2.11.1. the nature of the grievance;

4.2.11.2. the investigation that was conducted;

4.2.11.3. the decision;

4.2.11.4. the reason for the decision;

4.2.11.5. any outcome for a change in practices as a result of the decision.

4.2.11.6. a copy of Hearing records and any formal minutes taken

4.2.12. A copy will be sent to all parties who attended the Hearing and opportunity made for the recording of any dissenting comments. This will conclude the process for the resolution of grievances.

5. Keeping Records

5.1. England Athletics will keep confidential records for up to six years of:

5.1.1. Nature of grievance

5.1.2. Copy of written statement of grievance

5.1.3. Copy of England Athletics' response

5.1.4. Action taken

5.1.5. Reasons for action

5.1.6. Any business relating to an appeal

5.1.7. Further developments