



# Club Complaint Procedure

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## 1. What is a Club Complaint?

A Club Complaint is a complaint or conflict that is referred to the Gloucester City Swimming Club (GCSC) committee.

A Club Complaint (Regulation 103 of the Swim England Handbook) is defined as:

*A complaint involving an alleged breach of the club's rules or any other dispute not relating to an alleged breach of Swim England regulations, between two or more club members, any or none of whom may be an officer of the club, or one or more club members and one or more employees of the club;*

Which excludes:

- Breach of Swim England Regulation (dealt with under Regulation 104 of the Swim England Handbook)
- Allegation against a paid employee or contractor of GCSC (dealt with under their contract of employment and, if a breach of regulations, also under Regulation 104).

## 2. Dealing with a Club Complaint

GCSC adheres to the following Swim England process for dealing with club complaints:

1. Amicable resolution
2. Club Complaint Log Form
3. Mediation (optional)
4. Club Complaint Hearing
5. Club Complaint Outcome

### 2.1. Amicable Resolution

This first step is where an amicable and informal resolution is sought via a discussion between those involved in the dispute.

This should be done by the two people involved in the dispute, not by a 3rd person trying to broker the discussion.

Both parties should follow up in writing to each other what was discussed and agreed so there is some record of what took place.

## 2.2. Club Complaint Log Form

If an amicable resolution has not been reached, the Complainant must request a Club Complaint Log Form from the Chair or, if the Chair is involved in the dispute, the Chair's nominee.

The request for the form must be made within **14 days** of the issue that has led to the complaint.

The Complainant has **7 days** to return the form to the Chair or their nominee.

The Chair or nominee has **3 days** to forward the form to the Respondent.

The Respondent has **7 days** to complete the form and return it to the Chair or their nominee.

In order to move to Mediation, both parties must agree to do so. If it is agreed, the process moves to Mediation, if not then it moves to Club Complaint Hearing.

## 2.3. Mediation (Optional)

Swim England strongly recommends that mediation is considered. All parties retain ownership of, and agree the outcome.

If both parties agree, the Chair will appoint an independent mediator to arrange a meeting, either online or in person, within **14 days**.

Mediation is a confidential process, and the meeting should not be discussed with anyone else other than to share the outcome with the Chair.

## 2.4. Club Complaint Hearing

If any party does not agree to mediation, or the mediation fails, a Club Complaint Hearing will take place.

Within **7 days** the Club Chair shall organise a panel of 3 members, independent of the complaint. One of those 3 should ideally be proposed by the Swim England South West Region to act as Chair of the panel.

Either party may object to any panel member for good reason (see Reg 103.5.3), but this must be done within **3 days** of notification.

The panel hearing must take place within **28 days** of the panel's appointment.

Each party can have a maximum of 3 witnesses, but permission must be granted.

On completion of the hearing, the panel must provide a copy of the decision within **14 days**.

## 2.5. Club Complaint Outcome

Sanctions can be applied accordingly or, if appropriate, the matter can be referred to the Office of Judicial Administration as a Judicial Complaint.

The outcome is final and binding unless there are grounds to make a Judicial Complaint, if any party believes:

- that the Club or panel did not comply with Judicial Regulation 103, or;
- that a sanction imposed by the panel is disproportionate.

A Judicial Complaint may not be made by a party to a Club Complaint on the sole basis that a panel's decision was not in their favour.

### Flowchart for the Judicial System

