



## Complaints Procedure

### INTRODUCTION

A complaint may be made in the following circumstances as described in Appendix 1. Any Individual or Body who is the subject of a complaint must be offered the opportunity to be heard in their defence.

**The appropriate body to consider the complaint is as follows: -**

1. For Club constitution and/or rules - the Club Committee.
2. For Scottish Swimming Governance and/or rules – Scottish Swimming.
3. For child protection, vulnerable group protection or criminal offence - Scottish Swimming.
4. For drug offenses – British Swimming.

### Complaint Process

If a complaint cannot be resolved informally at the outset with an acceptable outcome for all parties, the complaint must be made in writing to the Club (template available; refer to Appendix 2). Written complaint must detail the matter(s) with which the complainant is dissatisfied and the reasons for their dissatisfaction. The complaint must be made within 30 days of the issue in question. The Club Committee may extend this time dependant on the nature and practicality of raising the complaint.

### The Club will

- acknowledge the complaint.
- within 14 days of receipt of a complaint, the Club shall send a copy to each of the parties who are involved, and the Club President.
- give the respondent 14 days to respond to the allegations in writing.
- present the complaint to the Club Committee for response (No Member shall participate in which they have a personal involvement with either the subject matter(s) or the parties to the complaint).
- document the Club Committee response.
- present the Club Committee response to the Claimant within 60 days or 14 days if constitutional/rules complaint. Extension of time can be sought up to 120 days if documented justification provided.
- record if the outcome is satisfactory or not and keep on record according to GDPR policy.
- If the outcome is unsatisfactory the complaint will be sent to Scottish swimming within 30 days (refer to Scottish Swimming Complaints Procedure).

### Proceedings for nature of Complaint

- If the complaint involves the SASA constitution and/or rules the complainant should contact the Director of Services to pursue the complaint.
- If the complaint involves child abuse or other criminal offences the complaint shall be referred to Scottish Swimming's Safeguarding Officer or Chief Executive within 48 hours. Failure to do so may result in disciplinary action. The Chief Executive, Safeguarding Officer, Legal Adviser, Director of Services and the Chair of the Board of Directors shall deal with such cases as appropriate. For such cases no fee is required and the initial contact need not be in writing.

## **OUTCOMES**

For a breach of Rules, the Club may suspend a member from activities if the complaints procedure has been satisfied.

## **SUSPENSIONS**

A person under suspension shall not participate in any activity organised by the Club or controlled by the Club.

Where appropriate a person may be given a limited suspension provided the limitation(s) are clearly defined (e.g. a person may be suspended from all competition activities but allowed to continue in training and administration activities).

An eligible competitor taking part in competitions, exhibitions or demonstrations with someone whom they know to be under suspension may themselves be suspended.

Suspensions by the Club shall be binding on all Clubs and Districts of Scottish Swimming.

Suspensions and the lifting of suspensions shall be reported to Clubs, Districts and Scottish Swimming as appropriate.

## **APPEAL PROCESS**

There is LEAVE TO APPEAL against a decision taken by a Club, or any individual(s) or organisations empowered to act on behalf of the Club.

An Appeal shall be made by lodging the appeal with Scottish Swimming no later than 14 days after receipt of the written notification of the decision.

In dealing with Appeals for a decision of a Club or the Club Complaints Panel the appropriate Body to consider an appeal will be Scottish Swimming.

Decisions arising from the normal course of business of a Club on administrative and technical matters, appointments and selection of teams may not be the subject of an appeal.

When Leave to Appeal is made, the decision against which the appeal is being made shall be suspended, except in exceptional cases which shall include but not be limited to circumstances where Child Protection is an issue. For the avoidance of doubt the Company will decide whether or not the case is an exceptional case for the purposes of the forgoing sentence.

## **Appendix 1**

### **DO YOU HAVE A COMPLAINT?**

Please find below some frequently asked questions on how to complain effectively: -

#### **Q1 Is the complaint worth pursuing?**

In general, genuine complaints, with a clear expected outcome, based on facts and evidence do get resolved to the complainant's satisfaction, however, we have found that complaints of a personal nature do not.

We have found that the complainants pursuing complaints based on personal vendettas and attacks leave the complainant feeling disheartened and vulnerable, even if the complainant was never in the wrong.

It should also be appreciated that complaints require a lengthy process and significant time and emotional commitment from start to finish. We ask that complainants consider whether they are prepared for this rough and often dissatisfying pursuit.

We strongly suggest that if your complaint is of a personal nature, that you consider leaving the issue. However, if your complaint falls into one of the following categories, then do consider going through the procedure:

#### **1. Child Protection**

#### **2. Welfare and Safety**

#### **3. Significant Financial Loss to Member / Club**

The three examples listed above are not the only complaints that clubs are obliged to hear, these are recommendations from Scottish Swimming, however, all members still have the right to complain.

#### **Q 2 If I've decided to pursue my complaint what should I do – NEXT STEPS?**

We recommend that you:

1. Look to resolve your complaint informally by speaking initially with the club president or secretary. It is hoped that many complaints can be resolved through conciliation without going to a formal process. Scottish Swimming would be happy to help with a conciliation process.
2. Speak to the club secretary to advise him/her of the nature of your complaint, and request a copy of the club's "Complaint Procedure".
3. Address your complaint in writing to the appropriate person detailing the matter(s) with which you are dissatisfied and the reason for your dissatisfaction and what if anything you have done to resolve the situation. This should be done using the correct form which can be obtained by contacting the club secretary.
4. Adhere to the timeframe detailed within the club's procedures. If your complaint falls out with the detailed procedure, but you have been managing the complaint with the club informally since the incident in question, then highlight the steps you have taken to date in your letter of complaint. If you have not been managing the complaint informally, and you are out with the outlined timeframe, do not proceed with your complaint. In this case, the club is under no obligation to undergo their procedure.

#### **Q 3 Should Scottish Swimming be involved at this stage?**

Yes, Scottish Swimming are happy to meet with the club and complainant to host a listening meeting which would allow them to outline the correct process to be followed and if appropriate try to help resolve the complaint before it goes to a formal process.

If your complaint is of a Child Protection nature, you must contact Scottish Swimming within 48 hours.

#### **Q 4 What if the club does not acknowledge my complaint?**

We ask you to call Elaine Mackenzie, Director of Services on 01786 466522. Elaine will speak to the club to request they take ownership / action of your complaint and to speak them through the process to be followed.

**Q 5 If after intervention from Scottish Swimming the club will still not address my complaint what should I do?**

At this stage, your complaint would be referred to the Scottish Swimming Board of Directors to take action against the club.

**Q 6 If after the club has heard my complaint and I have fully exhausted the club's complaint procedure and I am still dissatisfied, what should I do?**

We recommend that you pursue the complaint by following Scottish Swimming's appeal's procedure as per Company Rule R14.0. You will be required to put your formal appeal in writing along with the appeal fee to Scottish Swimming not later than 14 days after receipt of notification of the decision which is being appealed. The written appeal must detail the matter(s) with which the complainant is dissatisfied and the reason for their dissatisfaction, including evidence and dates. You can use all of your original paperwork that went through the club process.

Scottish Swimming will then take the appeal forward.

**Q 7 What if I begin to feel overwhelmed and emotional?**

We recommend that you stay focused and rational and remember the outcome that you are looking for. If things are getting too personal and/or if you believe that the outcomes you are striving for simply cannot be achieved, we advise that you make a judgement on whether to pursue or drop the case. Sometimes the best option for the swimmer/member/ family involved is to move to a neighbouring club with a fresh start.

**Q 8 What can I expect at a Scottish Swimming hearing?**

The hearing should be informal. You do not need a lawyer to represent you. All evidence required for this panel should have been submitted to the club at the time of your complaint and will simply need to be re-submitted to Scottish Swimming. Do keep copies of everything that you produce and receive.

**Q9 Do you need to remain at this club?**

If you believe you have a genuine complaint, we suggest you speak to other parents as they may be feeling the same way. The more complaints about the same issue will help the club recognise that they have a problem, however, if other parents are not concerned about your complaint and believe this is how the club operates you may have to accept this and look to move on to another club.

**Appendix 2**

Complaint Details			
<b>Attachments (i.e. physical or photographs)</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Number</b>	

<b>Nature of Complaint</b>	Child Protection <input type="checkbox"/>	Welfare and Safety <input type="checkbox"/>	Significant Financial Loss to Member / Club <input type="checkbox"/>	Other <input type="checkbox"/>
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Signature			
<b>Complainant</b>		Date (The complaint must be made within 30 days of the issue in question)	