



# **Berkshire Archery Association**

## **Grievance and Disciplinary Procedure**



### **1. Introduction**

The BAA protects its members from malicious or frivolous complaints, and appropriate action may be taken where it can be demonstrated that a complaint is made on this basis. However, this will not include any allegation that is made in good faith

The provisions in the Constitution and Rules provide a framework for disciplinary action in the event of a clear case of violation of the Rules of the Society or of conduct deemed detrimental to the best interests of the Society.

This procedure is in line with established Policies, Regulations and Procedure for Safeguarding and Complaints at Archery GB and Regional level. It is necessary for the Berkshire Archery Association (BAA) to perform the investigation of the complaints that may or may not require disciplinary action, and further escalation to Region or Archery GB .

The present document in support of the BAA Constitution and Bye-laws section 2.5 accordingly sets out a procedure for acting on complaints or grievance received by BAA.

### **2. Scope**

This procedure applies to complaints and allegations made about

- The conduct of BAA Officers and Officials acting as a representative of the County or Region
- Members of BAA, including Individual Direct and Associate members, Clubs and County organisations.

This procedure does not apply to

- BAA action initiated by a formal proposal, seconded and voted upon in the normal course of County or General Meeting business.
- Matters which have already been the subject of an Appeal to a Club's process except where the complaint is against the conduct of such an appeal (see Note below).
- Matters raised under the Archery GB Child and Vulnerable Adult policy, which must be referred through the appropriate Safeguarding Officers to Archery GB
- Complaints against Judges, which fall within the scope of the Disciplinary Code operated by the Regional Shooting Committee and should be referred in writing to the Judges Liaison Officer or the Chairman of the Regional Shooting Committee
- Complaints against Coaches, which fall within the scope of the Archery GB Code of Conduct or Code of Practice for Sports Coaches, will be referred to County Coaching Organisation and Regional Coaching Committee.
- Complaints of misconduct that arise outside the auspices of BAA except where they involve an Officer or Official of the county.
- Complaints of criminal or other behaviour that requires notification to the police or to relevant regulatory authorities, in which case the matter must be referred to the relevant authorities and any BAA action will depend on the outcome of that referral.



# **Berkshire Archery Association**

## **Grievance and Disciplinary Procedure**



Note: Complaints against the conduct of a Club's investigation or appeal will be considered as complaints against the Club organisation. The original complaint and named Respondent will not normally be considered except where relevant to the investigation of the club's procedure.

### **3. Procedure**

#### **3.1 Notification**

Complaints should be made in writing to the Berkshire Archery Association (BAA) Executive such as County Secretary, Chairman or Treasurer. Complaints received by other officers and officials should be referred to the BAA Executive for action.

The use of the ArcheryGB Complaint Form could be used, as a guide from the link [ArcheryGB Complaint Procedure and Form](#).

The BAA Executive will acknowledge receipt of the initial complaint and will request a written statement of the case, if not already provided, will notify the individual or organisation against whom the complaint is made ("the Respondent") of the nature of the complaint and of any immediate action taken. Acknowledgement and notification of the complaint should normally be sent within seven days of receipt of the complaint by the Secretary.

#### Informal Procedures

Remember, a simple apology and a commitment not to repeat the behaviour may be enough to keep everyone happy. Ideally, minor disputes can be settled in an amicable and informal manner.

#### Formal Procedures

Action on a complaint or grievance, including any investigation, should normally be completed within twenty eight days of receipt of the complaint. If this proves impractical all parties named in connection with the complaint will be notified within that time of any delay and of an expected date for completion.

#### Respondent's Entitlement

If the matter cannot be resolved informally and disciplinary action is required, the member against whom the complaint has been made (The Respondent) must be:

- informed of the nature of the complaint against them.
- provided with copies of any relevant documents and statements supporting the complaint.
- informed of any disciplinary proceeding and which procedures will be used.

The Respondent must be given the opportunity to:

- put forward full details of their version of events (their side of the argument).
- provide any documents or evidence in support of their position.

#### **3.2 Preliminary assessment**

On receipt of a complaint or grievance the Chairman of BAA in consultation with the Secretary and, if appropriate, the Safeguarding Officer, will determine whether the complaint falls within the scope of section 2 of the present procedure. If so, the Chairman of BAA will further decide whether the complaint

- a) is such as to permit summary action by the BAA Executive Committee;
- b) requires investigation potentially leading to a recommendation for disciplinary action by BAA;
- c) should be referred immediately to Region or Archery GB.



# **Berkshire Archery Association**

## **Grievance and Disciplinary Procedure**



In assessing the complaint or grievance the Chairman shall have regard to

- i) the Archery GB Disciplinary Policy and in particular to the provisions of the Archery GB Disciplinary Policy relating to Misconduct and to Serious Offences
- ii) The examples set out in the Annex to this Procedure.

Matters that fall outside the scope of the present procedure shall either be directed to appropriate authorities (including the Regional Shooting or Coaching Committees) or, where no such action is deemed necessary, shall be addressed by summary action (section 3.3).

### **3.3 Summary action**

Where the complaint permits summary action by the Executive, the action taken is at the discretion of the Executive subject to notification of the nature of the complaint and the action taken at the following BAA Committee meeting. Summary action should normally be completed within 21 days of receipt of the complaint.

### **3.4 Referral to Region and Archery GB**

Where the complaint is such as to merit immediate referral to the Region and/or Archery GB the Secretary will do so and inform the complainant of the referral.

### **3.5 Complaint Panel**

On receipt of an allegation which is deemed to require further investigation within the County (such as 3.2b above), the Chairman of BAA will convene a Complaint Panel of three individuals who will normally include at least one member of the Executive.

The Complaint Panel may not include the President (see Appeals, below).

No member of the Complaint Panel may have a material interest in the case. If a material interest prevents the Chair from acting, the Gentlemen/Lady Vice-President or another member of the Executive will act as convener for the complaint panel.

It is further recommended that members of the Complaint Panel have no significant prior knowledge of the case beyond the complaint itself; in particular, officers who have been included in prior correspondence or discussion by virtue of their office or otherwise should not normally participate as members of the Complaint panel.

The Respondent and Complainant shall be notified in writing of the composition of the Complaint Panel and shall have up to seven calendar days to object to the composition of the panel, giving reasons for the objection. Where a reasonable objection is received the Complaint Panel shall be reconstituted with no further right of objection at the discretion of the convener or, if the objection concerns the convener, as directed by the President.

The Complaint Panel may convene by correspondence or in person, including online meeting.

### **3.6 Suspension from office pending review**



# **Berkshire Archery Association**

## **Grievance and Disciplinary Procedure**



The Complaint Panel may suspend a Respondent from their county post pending investigation when, in the opinion of the Complaint Panel, the nature of the complaint makes it inappropriate for the Respondent to continue in post during the review.

Where suspension is considered necessary, the Complaint Panel must complete its deliberations within thirty days of the initiation of suspension.

### **3.7 Collection of evidence**

Where there is a case:

- The Complainant will already have been asked to supply a full written statement, and may name supporting witnesses who will also be asked to provide a statement in writing. The Complainant may include any additional evidence they consider relevant
- The Respondent will be provided with a summary of the complaint and asked to respond in writing for their version of events. The Respondent may also name supporting witnesses who will also be asked for a written statement, and may provide any additional evidence they consider relevant.

### **3.8 Complaint Panel consideration**

The Complaint Panel will, by correspondence, meeting in person or virtual meeting, consider the evidence presented. The Complaint Panel may seek additional evidence as required, and may at its sole discretion contact or meet with any individual named in connection with the case or with knowledge of the case.

The Complaint Panel will prepare a summary of their deliberations, together with conclusions. Conclusions must be agreed unanimously within the Complaint Panel. Where the Complaint Panel cannot agree, they will normally conclude that there is insufficient evidence to support the complaint.

### **3.9 Formal Hearing**

The Panel may, at its discretion, convene a formal hearing at which verbal or written evidence may be presented by both complainant and respondent. There is no automatic right to a verbal hearing other than as provided for in connection with disciplinary action taken by BAA under BAA Constitution and By-laws section 2.5

The Respondent shall have the following rights

- Be able to bring a friend or representative to any disciplinary hearings.
- If under 18 or is a vulnerable adult. They must also have the right to find an 'appropriate adult' to help them and be present during questioning.
- To answer questions outside of the physical presence of the other party.
- To have complaints investigated and outcomes determined by people who have received appropriate training.

### **3.10 Disciplinary Action**

The Complaint Panel may recommend disciplinary action to BAA Committee, including but not limited to

- removal of an officer or official from office;
- withdrawal of County Membership for a specified time, or indefinitely.



# **Berkshire Archery Association**

## **Grievance and Disciplinary Procedure**



Disciplinary action by BAA, including right of hearing and of appeal, is described BAA Constitution and Bye-laws section 2.5

The Complaint Panel may additionally recommend summary action by the Executive where disciplinary action by BAA Committee is not deemed necessary.

The outcome of the disciplinary hearing by the Executive Committee, or convened Complaint Panel will be notified in writing to Complainant and Respondent, within seven days.

### **4. Appeal**

#### **4.1 Notification**

Where the Complaint Panel does not recommend disciplinary action under BAA Constitution and Bye-laws section 2.5, an appeal against a Complaint Panel decision may be made in writing within thirty days of the date of notification of the panel's decision, stating the grounds for appeal. Appeals should be made to the Secretary in the first instance.

The ArcheryGB Appeal Form could be used as a guide, from the link [ArcheryGB Appeal Form](#)

#### **4.2 Grounds for appeal**

Appeals are permitted on the following grounds:

- The Complaint Panel failed to consider evidence presented which was material to the case.
- One or more members of the Complaint Panel had an undeclared interest in the case.
- Additional evidence has become available that was unknown to the Complaint Panel.

Appeals on other grounds may be considered at the sole discretion of the President.

Appeals based solely on an objection to the conclusions of the Complaint Panel will not normally be considered.

#### **4.3 Appeal procedure**

On receipt of an appeal, the President shall convene an Appeal Panel which shall not include any member of the Complaint Panel responsible for the initial judgement. The Appeal Panel will then review the findings of the Complaint Panel in the light of the evidence available to the Appeal Panel (which may include evidence not available to the Complaint Panel).

The Appeal Panel may:

- Uphold, amend or reverse the findings of the Complaint Panel
- Direct that the Complaint Panel be reconvened to consider additional evidence not known to them at the time of their decision
- Refer the matter to Regional Council.

### **5. Confidentiality**

Complaints will be treated as confidential unless they result in disciplinary action.

### **6. Relationship to Regional or ArcheryGB Disciplinary Policy, Regulations and Procedures**



# **Berkshire Archery Association**

## **Grievance and Disciplinary Procedure**

This procedure is not intended to replace the Region or ArcheryGB Disciplinary Policy, Regulations and Procedures. Although the Case Management Referral Panel is free to take the conclusions of BAA into account in forming their own conclusions, they are not obliged to do so and may come to different conclusions on individual cases.

Matters which have already been referred or escalated to Region or Archery will not be subject to this procedure. The BAA will consider the conclusions of a Region or ArcheryGB disciplinary or complaints procedure binding and will not consider the case further except as indicated below.

BAA may nonetheless consider additional action following notification of the outcome of a Regional or ArcheryGB disciplinary procedure; in particular, BAA will normally consider withdrawal of membership of the county from individuals or organizations whose conduct is found by to be inconsistent with continued membership of ArcheryGB. Any such temporary or permanent exclusion must be forwarded to the Region, as membership of Region is a condition of Club/county membership.

### **7. Definitions**

Complaint	a statement that something is unsatisfactory or unacceptable
Grievance	a real or imagined cause for complaint
Disciplinary	the actions taken after the appropriate investigations of the complaint, that maybe to correct the situation or define the punishment
BAA Executive	As per BAA Constitution: The Chairman, The Secretary, the Treasurer and the President
Complainant	The person that has initiated the Complaint or Grievance
Respondent	the member against whom the Complaint or Grievance has been made

### **8. Document History**

Version	Reason for change
1.0	January 2022 Initial Document, ratification at AGM



# **Berkshire Archery Association**

## **Grievance and Disciplinary Procedure**



### 8. Annex 1: Examples of BAA Complaint Considerations

<p><b>The following examples of possible complaints and the typical action are for the guidance of the Chairman of BAA in considering action relevant to a complaint, for individuals considering a complaint and for members of a panel convened to investigate a complaint.</b></p> <p><b>The Examples are informative and the decision taken in any particular case remains with the Executive in the first instance. Nature of complaint</b></p>	<p><b>Typical action for Berkshire Archery Association</b></p>
<p>Complaint about an officer or official of BAA falling short of normal expectations of timely communication</p>	<p>Complaints of this kind should normally be made to the Club Representative in the first instance, which can raise the matter to the BAA Executive.</p> <p>Where a complaint is made directly to the executive, the officer/official should be notified of the complaint and the complaint brought to the attention BAA Committee in the normal course of reporting.</p> <p>This is not normally a disciplinary matter</p>
<p>Persistent criticism of club or county officials</p>	<p>Note that criticism is not of itself misconduct and should normally be treated by responding accurately to the criticism.</p> <p>However, criticism communicated to third parties without the knowledge of the target of the criticism certainly is a form of misconduct, and if persistent and or if unfounded is usually considered sufficient to justify exclusion from a Club.</p> <p>For example, inaccurate complaints about a club committee's management to other club members or about a coach to the archer being coached without first informing the target of those allegations can seriously and unfairly impact on those individuals' contribution to the sport as well as their personal well-being;</p>





# **Berkshire Archery Association**

## **Grievance and Disciplinary Procedure**



<p>Offensive language used by an individual at a shooting event.</p>	<p>No County action is normally taken.</p> <p>This matter should be dealt with immediately by the event organiser or by club officials but is not normally sufficiently serious to merit disciplinary action unless so persistent as to compromise the reputation of the Club.</p>
<p>Allegation of financial irregularity on the part of a club or county official</p>	<p>This matter should have been taken up directly with the club or county committee. The Region should therefore normally refer this to the relevant secretary is involved, to the respective county organisation.</p> <p>If fraud against the complainant is alleged, the complainant should be advised that they should obtain legal advice immediately and, if material financial loss is involved, refer the matter to the police. Committee to consider or, if the club secretary is involved, to the respective county organisation.</p> <p>If fraud against the complainant is alleged, the complainant should be advised that they should obtain legal advice immediately and, if material financial loss is involved, refer the matter to the police.</p>
<p>Moderate violence (not causing appreciable injury) directed at a fellow archer or member of the public whilst identifiable as a member of the society.</p>	<p>A BAA matter only if at a BAA event or occurring in the course of a County official's duties; otherwise the matter should be referred to the closest responsible body (usually the club).</p> <p>Violence of any kind compromises safety even if no injury occurs as a direct result. Disciplinary action is therefore merited against the initiator.</p> <p>Temporary suspension of access to facilities or of membership is recommended on first occurrence; permanent exclusion should be considered on subsequent repetition.</p>
<p>Allegation of malicious instigation of a complaint using formal disciplinary procedures</p>	<p>This will normally be considered as misconduct meriting investigation.</p> <p>Note, however, that 'malicious' behaviour depends on intent and evidence of intent - usually in the form of clear personal interest coupled with a complaint regarding an otherwise trivial incident - would be required to sustain a case.</p>





# **Berkshire Archery Association**

## **Grievance and Disciplinary Procedure**

<p>Violent or abusive behaviour directed at a regional official (including a judge or tournament organiser) in the course of their duties</p>	<p>This will normally be considered grounds for immediate disqualification from competition at the event concerned, and the region will normally consider this a serious offence meriting immediate and possibly extended suspension. Immediate reference to BAA should normally be considered.</p>
<p>An allegation of drug use for performance enhancement, or of supply of drugs for that purpose</p>	<p>These are serious violations subject to action under IOC rules and will normally be referred immediately to ArcheryGB for consideration.</p> <p>Proof of such conduct would normally lead to extended or permanent exclusion from BAA.</p>
<p>An allegation of cheating at a BAA tournament</p>	<p>Disqualification from the event is normal if the offence is proven at the time.</p> <p>In addition, the matter should be referred immediately to BAA as a case of misconduct.</p> <p>Depending on the severity of the offence BAA would normally reprimand on first offence and exclude from BAA events or membership on severe or repeated offences.</p> <p>If at a national record status event the matter should additionally be notified to ArcheryGB.</p>



# Berkshire Archery Association

## Grievance and Disciplinary Procedure

### 8. Annex 2: Grievance and Disciplinary Procedure schematic

