



# City of Southampton Swimming Club

[www.cossc.org](http://www.cossc.org)

## Dealing with Complaints and Disputes Procedure.

Please contact the Club Chairman, Club Secretary or Club Welfare officer to discuss any concerns that you wish to raise. This can be done informally face to face or via email. Up to date club contact details can be found on the website under the 'About our Club' tab.

### **Step 1.**

#### Informal and Amicable settlement

Every effort should be made when a dispute arises for the parties to settle the issue in an informal manner. Only when this avenue has been exhausted and no satisfactory conclusion reached, should the next steps be taken. There is no time limit on this stage but two weeks should be considered as reasonable time. Any person facilitating this process should acknowledge the dispute as soon as practicable of receiving it.

90% of disputes should be resolved at this informal stage. Let's try to get people together and talk through their problems rather than going through a long e mail trail.

If resolution cannot be achieved, then move on to:

### **Step 2.**

Dispute is referred to the Chair. If the Chair is party to a complaint, another club officer is appointed. The Chair or club officer appoints an independent mediator within seven days of the referral, usually a committee member. An allowance of 21 days is allowed at this stage to negotiate a satisfactory outcome.

If the mediator is unable to bring about a satisfactory settlement within 21 days, the club committee shall within a further 14 days move to:

### **Step 3.**

A panel is appointed consisting of three people not involved in the dispute.

(Member, committee, officer, or any person affiliated to Swim England)



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Parties should be given the chance to object to appointments.

If a dispute cannot be resolved fairly and amicably between the parties concerned, and does not include a breach of Swim England Regulations, it may be dealt with under the relevant provisions of the Club constitution, club policies or other rules, which deal with club rights and responsibilities.

## **Panel Hearing Procedure**

Before a hearing

The panel members shall appoint one of their number to act as the Chair and either appoint another of their number, or alternatively appoint an additional person without any other powers, to act as the clerk of the hearing.

The Chair of the panel shall arrange the date of the hearing and notify the parties of the arrangements at least 14 days in advance of the date set. The notified date shall not be changed unless one or more of the parties has a compelling reason for not being able to attend on the notified day or time.

## **At the hearing**

The procedure shall be flexible and it shall be the responsibility of the Chair of the panel to ensure the orderly and effective conduct of the hearing.

The panel shall not be bound by the judicial rules of the courts of England and Wales governing procedure or the admissibility of evidence provided that the hearing is conducted in a fair and orderly manner and that each party is given a reasonable opportunity to give and call evidence, address the panel and present their case.

The Chair shall have the discretion to limit the number of witnesses that would otherwise have been called.

Witnesses shall normally be provided with an area outside the hearing room and not take any part in the hearing other than giving evidence and responding to questions.

The parties shall be informed of their right to make a complaint under Swim England Regulation 102 if they are dissatisfied with the conduct of the hearing or the grounds upon which the decision was made or if they consider any sanction imposed to be disproportionate

## **After the hearing**

The panel should come to a decision as soon as is practically possible after the hearing. If



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possible the chair should announce the findings orally to the parties. In addition, the secretary should send in writing details of the panel findings and decisions to all of the parties within 5 days of the hearing.

## **Considerations regarding children**

Any minor who is party to a complaint or acts as a witness should be accompanied by a person with parental responsibility for them. The chair of the panel has sole discretion in deciding whether it is appropriate for a minor to present, defend or act as witness at a hearing. No child under the age of 14 should be expected to attend a hearing in person. Evidence should be presented with the help of the welfare officer (or other adult acceptable to the parent) in the form of a written statement. A minor aged 14-18 should be given the choice of whether they want to attend.

During a hearing, a child should only be present for the parts of the hearing that are necessary for him/her to give evidence. A separate waiting area should be available.

The chair of the panel should consult with the minor's parent as to who will deliver the panels findings to the child.