

## 5.3i Complaints Policy and Procedure

### 1. Behavioural Policy

Every member is expected to maintain certain standards of professional behaviour and conduct. The primary objective of the Association's Code of Conduct for Members is to encourage all members to ensure their behaviour and conduct supports the ethos of the Association. The Code of Conduct for Members is to be found in Section 5.3 of the Club Handbook.

### 2. Complaints Policy

The Association recognises that from time-to-time members may wish to seek redress for complaints relating to their membership or involvement in Club activities.

There is a duty on members and Staff Members to report any conduct that they believe, in good faith, to be a breach of the Code of Conduct. Any such report or complaint will be dealt with in accordance with the procedure below.

The Association policy is to encourage free communication between members and the Association staff to ensure that questions and problems arising during the course of membership can be aired and where possible, resolved quickly and to the satisfaction of all concerned.

On this basis we anticipate that most complaints will be resolved through informal discussion without the need to invoke any part of this Complaints Procedure. However, in the event that this is not the situation, a member may raise a complaint following the procedure laid out below.

### 3. Purpose and Scope of Complaints Procedure

The purpose of this Complaints Procedure is to ensure that all complaints relating to Code of Conduct matters are dealt with in a timely, fair, consistent and effective manner.

This Complaints Procedure does not apply to members wishing to make a complaint related to products or services provided by the Association. Such complaints should be directed to the relevant Commercial department of the Association.

The matters that the Association views as amounting to misconduct include (but are not limited to):

- Minor damage to Association property
- Failure to observe Association procedures
- Abusive behaviour

- Inappropriate behaviour as detailed in the behavioural competency framework
- Unreasonable refusal to follow an instruction issued by an event official, a Boundless by CSMA Officer, or a Local Group Officer

More serious breaches of the Code of Conduct are viewed by the Association as gross misconduct, and these include (but are not limited to) :

- Acts which seriously harm the Association's reputation
- Discrimination on the grounds of sex, sexual orientation, race, disability, age or religion or belief
- Harassment and/or bullying of employees, members or third parties
- Acts or threats of physical violence
- Theft, fraud, including deliberate falsification of Association records
- Misuse of Association or member data
- Serious negligence which causes unacceptable loss, damage or injury
- Serious incapacity through alcohol or being under the influence of illegal drugs
- Deliberate damage Association property
- Serious breach of health and safety regulations
- Serious breach of any of the Association's policies Serious breach of confidentiality
- Malicious use of the Code of Conduct Complaints Procedure

### 3.1 Outline of Complaints Procedures.

	Misconduct	Gross Misconduct
	Informal Investigation Paras; 4.3 and 4.4	Formal Complaints Investigation Procedure Paras; 4.5 and 4.6
Report to:	Committee Chairman or Club Leader	Association Chairman
Investigated by:	Committee Chairman or Club Leader	Investigation Panel
Decision ratified by:	Association Vice-Chairman	Association Chairman
Appeal conducted by:	Association Chairman	Board of Governors

## 4. Procedure

In the majority of cases, it will be appropriate to follow the stages in order as set out in this document. However, the procedure may be instigated at any stage depending upon the seriousness of the individual's misconduct.

### 4.1 Confidentiality

Any complaint of breach of the Code of Conduct shall be treated as confidential until such time as it has been determined that there is a case to answer whereupon the member against whom the complaint is made shall be notified in accordance with this procedure.

### 4.2 Initial Stage – Where to report

**STAFF:** The Code of Conduct requires that where a complaint concerns a Staff Member, either as the subject of a complaint, or as the originator of a complaint, then the initial report must always be to the Staff Member's Line Manager. Employment policies and procedures will be considered in these cases.

**BOARD:** The Board of the Association has its own Code of Conduct relating to the Principles of Public Life, obligations under the Companies Act, conflicts of interest, and other statutory requirements. A complaint of breach of the Association's Code of Conduct by a member of the Board, must be reported to the Association Chairman, or if this is inappropriate, the Association Vice-Chairman, or a member of the Board.

**MEMBERS:** Complaints concerning members will be handled as below.

In the paragraphs below (4.3, 4.4, 4.5, 4.6), there are many duties that involve the Association Chairman, and/or the Association Vice-Chairman. Should it be inappropriate for any reason for either of these officers to carry out the duties due their personal involvement, then an appropriate member of the Board will be appointed to carry out the duties.

### 4.3 Misconduct - Informal Investigation Procedure

If the conduct of a member is not of the required standard, any member should bring the matter to the attention of their Committee Chairman or the Club Leader at the earliest opportunity. If the complaint directly involves the Club Leader, the Association Vice-Chairman should be notified, and will carry out the investigation.

The Committee Chairman or Club Leader, (known as the "investigator" for the purposes of this section) will investigate the complaint and shall conclude such investigation within 28 days of receipt of a notification. The investigator reserves the right to appoint an external investigator if this is considered appropriate, and to utilise appropriate support as necessary. At the outset the investigator shall consider whether an informal resolution of the complaint can be achieved.

The member shall be informed of the area(s) of concern and given the opportunity to offer an explanation and any mitigating circumstances. The member, against whom the complaint is made, will be invited to respond in writing within 14 days of being notified of the complaint.

Alternatively, the member against whom the complaint is made may elect to respond orally (rather than in writing) at a meeting with the investigator. If the member wishes such a meeting to take place, he/she must notify the investigator within 7 days after being notified of the complaint. The member has the right to be accompanied at the meeting by a single companion who is a fellow member of Boundless by CSMA, provided the investigator is advised of the companion's identity at least 10 days in advance of the meeting. There is no duty on the companion who the member selects to agree to accompany the member however in the event that they undertake this role, they are encouraged to confer with the member. They do not have the right to directly answer questions on behalf of the member, or to address the meeting if the member does not wish them to do so. The member is not entitled to legal representation at such a meeting.

The investigator will determine the complaint on the basis of the written/oral information unless s/he decides (in his/her absolute discretion) that a formal investigation is appropriate.

The investigator will submit a report of his/her determination (including a determination that a complaint is not upheld) to the Association Vice-Chairman, with any recommended penalty, for the purpose of ratification, whereupon the member will be notified of the determination and penalty.

#### **4.4 Misconduct – Right of Appeal**

A member, who is found to have committed misconduct, may appeal to the Association Chairman, by giving notice of the substance of their appeal in writing within 14 days of notification of the determination of the complaint.

The member and the investigator will be invited to provide written statements of all matters they wish the Association Chairman to take into account in relation to the appeal. The Association Chairman may appoint members to a committee to provide support in this appeal procedure.

Where it is reasonably practicable, the Association Chairman will determine the appeal within 28 days. The Association Chairman will make a decision in respect of the appeal on the basis of the written statements unless it considers (in its absolute discretion) that a hearing is appropriate. If it is not reasonably practicable to adhere to this timescale then the Association Chairman will notify the member of the reason for the delay and an estimate of the timescale for reaching a determination.

The Association Chairman will notify the Member of its determination of the appeal within 7 days of the decision. This decision is final; there is no opportunity for a second appeal under the informal appeal procedure.

Should a member not be satisfied with the outcome of the informal appeal procedure, the complaint must be submitted in accordance with the Formal Complaints Investigation Procedure below.

It is hoped that complaints relating to misconduct will be resolved at this informal stage, when the Committee Chairman or Club Leader will make clear to the member that any further breaches or a failure to improve may lead to formal complaints proceedings. If the matter is not resolved at this stage, or it is found that repeated misconduct has occurred, or gross misconduct.

#### **4.5 Formal Complaints Investigation Procedure**

This procedure is to be applied when an informal resolution has not been successful, when there has been repeated misconduct, or when gross misconduct requires investigation.

A formal complaint must be reported in writing to the Association Chairman.

If the complaint directly involves the Association Chairman, the Association Vice-Chairman and the Company Secretary should be notified, and these persons will carry out the duties of the Association Chairman referred to below.

##### **4.5.1 Investigation Panel**

The Association Chairman, in conjunction with the Company Secretary, will select 3 Voting Members of Boundless by CSMA to form an independent panel to carry out an investigation in accordance with these procedures. The Association Chairman may, but does not have to, be a member of the investigation panel.

The investigation panel will work promptly to satisfy themselves that they have a thorough knowledge of all of the facts on which a decision can be based.

##### **4.5.2 Investigation procedure**

The investigation should include but is not limited to:

- Gathering together all the facts available, including any relevant documentation.
- Interviewing members who may have been directly involved in the situation or who witnessed the incident and may have relevant information.
- Conducting a formal investigation meeting with the member against whom the complaint has been made.
- Compiling a report of the investigation findings including all the witness statements and evidence taken.

The member against whom the complaint is made shall be notified of the complaint and will be invited to respond in writing within 28 days.

At all stages of this formal investigation procedure, the member has the right to:

- Receive reasonable notice of the requirement to attend a formal investigation meeting.
- Receive written notification of the circumstances leading to the instigation of the formal procedure.
- Receive copies of all relevant documentation.
- Be accompanied by a fellow member.
- Be given the opportunity to state their case including any mitigation for their breach of conduct.
- Call any witnesses and request information that they feel should be considered.

#### **4.5.3 Formal Investigation Meeting**

In any formal investigation meeting conducted under this procedure, the investigation panel will ensure that an accurate record of the meeting is taken. On occasion it may be necessary to use a dedicated note taker who will take no further role in the formal meeting.

The purpose of the formal investigation meeting will be to discuss the complaint, taking into account the details of the investigation and considering any explanation or mitigation offered.

The member has the right to be accompanied at the meeting by a single companion who is a fellow member of Boundless by CSMA, provided the Association Chairman is advised of the companion's identity at least 10 days in advance of the meeting. There is no duty on the companion who the member selects to agree to accompany the member however in the event that they undertake this role, they are encouraged to confer with the member. They do not have the right to directly answer questions on behalf of the member, or to address the meeting if the member does not wish them to do so.

The member or the investigation panel may, at their own expense, have access to legal advice but neither may be legally represented at the meeting.

It may on occasion be necessary to adjourn the formal investigation meeting (including for the purpose of gathering further information). The member will be informed of the period of any adjournment. If further information is gathered, the member will be allowed a reasonable period of time, together with their companion, to consider the new information prior to the reconvening of the formal investigation meeting.

#### 4.5.4 Determination and Penalty

The investigation panel will submit a report of the determination (including a determination that a complaint is not upheld) to the Association Chairman, with any recommended penalty, for the purpose of ratification by the Association Chairman, whereupon the member will be notified of the determination and penalty.

#### 4.6 Gross Misconduct - Right of Appeal

A Member who is expelled from the Association pursuant to Article B29 of CSMA's Articles of Association has a right of appeal to the Governors or to the Voting Members at the Annual General Meeting in accordance with that Article.

In addition, any person found to have committed a serious breach of the Association's Code of Conduct for Members (as amended from time to time) shall have the right under this Formal Complaints Investigation Procedure to appeal against the decision to the Governors. This right of appeal shall be exercisable by the member giving notice in writing to the Company Secretary setting out the reasons for his/her appeal within one calendar month after his/her receipt of written notice of the Association Chairman's ratification of the decision.

The following provisions shall apply in relation to any appeal conducted by the Governors:

- The member and the Association Chairman will be invited to provide written statements of all matters they wish the Governors to take into account in relation to the appeal.
- The Governors will determine the appeal on the basis of such written statements unless they consider (in their absolute discretion) that a hearing is appropriate.
- If they so decide, the Governors will invite the member to an appeal meeting chaired by the Chairman of Governors or in his absence a Governor designated by him. The Company Secretary may attend the meeting also. In any event the appeal meeting will be attended by at least three of the Governors.
- The member will be expected to take all reasonable steps to attend the appeal meeting and failure to do so, having accepted the invitation, will result in the appeal being lost. If, however, circumstances arise which could not be foreseen which prevent the member from attending, the meeting will be rescheduled. The member must attend an appeal meeting within 3 months of the original date set for the meeting, or the appeal will be lost.
- The member has the right to be accompanied at the appeal meeting by a single companion who is a fellow member of Boundless by CSMA, provided the Chairman of Governors is advised of the companion's identity at least 10 days in advance of the meeting. There is no duty on the companion who the member selects to agree to accompany the member however in the event that they undertake this role, they are encouraged to confer with the

member. They do not have the right to directly answer questions on behalf of the member, or to address the meeting if the member does not wish them to do so.

- A member is not entitled to legal representation at an appeal meeting.
- The Member will be given an opportunity at the meeting to discuss his or her reasons for the appeal and further explain his or her position. Having heard the appeal, the Governors will make a decision on the basis of the evidence.
- The Governors will give their decision in writing normally no later than 7 days after the meeting has been held setting out their position on the appeal.

#### **4.7 Penalties**

Penalties for serious breaches of the Code of Conduct (considered to be acts of Gross Misconduct) are:

- Expulsion from Membership of the Association.
- Removal from any office, trusteeship or other position in relation to the Association or any subsidiary.

The penalties set out above may be imposed for an indefinite period or for a fixed period. Their duration will be stated in the written decision.

This Policy and Procedure and 5.3 Code of Conduct succeed any previous documents relating to Codes of Conduct and Grievances.