



**SCOTTISH
GYMNASTICS**

Complaints:

Process and Guidance
for clubs affiliated to
Scottish Gymnastics



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INTRODUCTION

Any complaint must be dealt with in accordance with the club's constitution. Clubs are advised to have a Complaints Procedure which is clear, concise and easy to read and understand. The procedure for dealing with complaints should be well advertised, should be included in any welcome pack for new members and should be visible on the club's notice board. Remember: by joining your club, members are bound by the constitution, policies and procedures of the club, this applies to: office bearers, coaches, judges, technical officers, adult helpers, gymnasts and all persons registered with your club in any capacity.

Taking time to try and resolve a complaint at the outset will result in a quicker and often more acceptable outcome for all parties. However, it is recognised that volunteers are not always aware of the steps to follow and can sometimes be embroiled in the complaint itself. By following the guidance developed by Scottish Gymnastics, clubs will be able to adopt procedures which are open, clear, relevant, workable and enforceable, thus allowing you to operate in a fair and just way.

A "Complaint" includes grievance, allegation, and query, expression of concern or identification of an issue. However, wherever possible, those making a complaint should identify whether their communication to the club concerning matters of this kind is or is not intended to be a Complaint.

Anyone who is the subject of a complaint must be offered the opportunity to be heard in their defence.

Example of good practice:

Step One – Making a complaint:

- Any complaint must be made in writing and must contain specific details including dates and times, the issue and names of any witnesses.
- Complaints surrounding bad practice or child protection issues should be addressed to the Safeguarding Officer (SO).
- Complaints not connected with bad practice/child welfare should be directed to the chairperson/club secretary

Step Two – Responding to a complaint:

- The SO should respond to the complainant within 5 working days, acknowledging receipt of the letter, explaining the process and confirm the timescales which will be followed
- Gather evidence: The SO should arrange to interview all those involved in the complaint. A list of questions specific to the complaint should be compiled and should be adhered to.
- Responses to the questions should be recorded and the witness should then be given the notes to read, agree as a true record, sign, and date.

- Arrange to meet with the person against whom the complaint is being made, a copy of the complaint along with the evidence should be provided. He/she should be asked to comment and all details of the interview should be recorded, agreed signed and dated.

Note: Interviews should be conducted in an objective and fair manner giving all parties an opportunity to respond to an allegation.

Step Three: - Review evidence:

- All correspondence and evidence should then be considered either by the SO and one other or by an independent person from outwith the club.

Step Four – The decision:

Example: complaint against a coach - *minor breach* of club rules or poor practice:

- An interview should be conducted with the coach to go over the code of practice and expected standards of behaviour.
- A caution or warning as to future conduct should be issued.
- The interview should be recorded and kept on file.
- The decision made and the action taken shall be notified in writing to all interested parties.

Case Study 1 - Refer to appendix: 2

Example: complaint against a coach - *serious poor practice* or breach of club rules: - Formal Hearing. (Refer to the SG Conduct in Sport Code for guidance). If a formal hearing is requested then the following should be adhered to:

- A disciplinary panel should be set up and should consist of a Chair plus two others.
- The Chair of the Panel will determine which members of the Panel shall hear any issue brought before it.
- Those entitled to sit shall, in the reasonable opinion of the Chairman of the Panel, should have no interest in the case to be heard which would render their involvement in the process unfair.
- The quorum of the Panel shall be three members.
- It is the responsibility of the Chair to set the date, time, and venue of a hearing and to arrange the attendance of all witnesses.
- The deliberations of the Panel shall be in private.
- Notes (minutes) of the hearing should be taken, circulated to all panel members to agree, sign and date.
- The person, against whom the complaint is being made, shall be advised in writing by the Chair of the decision of the Panel and of the right to appeal the decision of the Panel.
- The decision of the Panel shall be notified in writing to all interested parties including SG as soon as reasonably practicable after conclusion of the hearing but no later than fourteen working days from the date on which the Panel concludes its deliberations.
- All paperwork pertaining to the issue should be kept in a secure file

Possible Outcome - Examples include, but are not limited to:

- a caution
- warning as to future conduct
- reprimand
- suspension for a period of time
- expulsion from the Club
- any combination of the above.
- refer the matter to another organisation i.e. police, social work or SG
- dismiss the complaint as unfounded,

Case Study 2 - Refer to appendix: 2

Complaints which should be directed to Scottish Gymnastics:

Complaints and or appeals made to Scottish Gymnastics must firstly have exhausted the club's grievance procedure. We acknowledge that this can be frustrating for clubs at times, especially for the volunteer committees; however, clubs are encouraged to manage their own challenges. As a result no complaint will be looked at by Scottish Gymnastics if this process has not been exhausted.

Exception to this rule:

Scottish Gymnastics will follow up all complaints, concerns or allegations relating to safeguarding / conduct matters including those which are raised anonymously. In some cases, without an identified complainant, Scottish Gymnastics are unlikely to be able to proceed with disciplinary actions, but in all cases, an initial assessment will be made to consider whether there is sufficient substance in the complaint to warrant some initial enquiries or risk assessment.

Depending on the nature of the complaint/allegation and in accordance with procedures laid down in the Association's Conduct in Sport Code, may immediately suspend the member pending the outcome of the investigation of any external organisation.

Whistle Blowing:

The welfare of children and young people requires everyone to be committed to the highest possible standards of openness, integrity, and accountability. SG supports an environment where people feel free to raise their concerns with the knowledge that all concerns will be taken seriously. Participants or, in respect of those under 18 years of age or vulnerable adults, their parents, guardians or carers should be able to raise any complaints or concerns including those of poor practice, abuse or misconduct within the club without fear of victimisation. Under no circumstances should clubs and those running clubs, attempt to conceal evidence of poor practice, abuse or misconduct.

It is the responsibility of the coaches and those running clubs registered with SG to ensure the guidelines laid down by the Association are followed and that at all times good practice becomes the "norm",

For advice on Data Protection and how long to keep records/notes—refer to appendix: 1

Appendix 1: DATA PROTECTION ADVICE

Detailed below are guidelines for storing, destroying, and accessing records and various other forms related to recruitment, complaints, health & safety child protection.

DOCUMENT	WHERE TO STORE	WHO HAS ACCESS	HOW LONG TO KEEP	HOW TO DISPOSE
Application Form	Secure	Interview panel	6 – 12 months	Shred or burn
References	Secure	Interview panel	Until person leaves	Shred or burn
Incident Reports	Secure	SO / other professional agencies depending on follow up.	Varies, depending on situation. Seek guidance from SG	Shred or burn
Accident Forms	Secure	SO or SG and possibly insurance company / other investigation authorities.	Varies, depending on situation. Seek guidance from SG	Shred or burn
Medical Forms	Secure	Team Manager, Head of Delegation, Coach depending on situation	Varies, depending on situation. Seek guidance from SG	Shred or Burn
Complaints & Outcomes	Secure	SO/Chairperson & possibly SG/ other investigation authorities	Varies, depending on situation. Seek guidance from SG	Shred or Burn

❖ **Note: in safeguarding/welfare issues, all documentation may be required for a criminal investigation.**

❖ **Definition of: secure - Kept in a locked place with restricted access.**

Appendix 2: Case Studies

Case Study (1) Example of: Poor Practice handled badly.

Mrs. A contacted Scottish Gymnastics to voice her concerns at the way in which her daughter had been treated by her coach. Negative and personal comments had been made by the coach to another coach about her daughter within earshot of the child. This resulted in the child being extremely upset and leaving the gym in tears. The parents arranged to speak with the coaches, both denied the incident had taken place and insinuated the child was lying and was perhaps under stress due to an upcoming competition, which maybe she did not want to do. The following week Mrs. A took her daughter to training as usual only to be met by a member of the club committee who explained that the coaches felt they could no longer work with her daughter for fear of being accused of further incidents. She was asked to leave the club.

The parents were not happy at their treatment and asked SG to look into the matter. The parents had no confidence that future concerns would be dealt with appropriately or effectively leaving other families in the same position as they found themselves in.

Outcome: SG reviewed the handling of the complaint. It was noted that there appeared to be no process within the club for raising concerns. The club was run by the head coach who really did not like to be questioned. The committee as such, consisted of the head coach, a family member and a close friend of the head coach. The club was reminded of Good Practice in the handling of complaints, the information contained within the Child Protection Policy and the information passed on through attendance on the Safe Gym for All course (which the club SO had actually attended).

Recommendation: The club was asked review their decision. The head coach and club secretary were advised to attend the next Safe Gym course. The club refused to reconsider their decision and did not renew their membership with SG. The parents found another club in the area for their daughter to attend. This club has an open door policy and parents are encouraged to get involved. Both the child and her parents are very happy with the new club.

Case Study (2) Example of Poor Practice handled effectively

Mrs. B writes to the club (with a copy sent to SG) complaining that a coach used inappropriate language to her daughter in front of other children, during a coaching session. The child returned home upset and was refusing to go back to the gym. The SO contacted SG to state that the club would be dealing with the complaint and would keep SG informed of the progress. The SO then responded to the parent within a couple of days and arranged to meet with her and her daughter to ascertain what had happened. During the discussions the child stated she felt the coach in question was always shouting at the gymnasts in her group and accusing them of not trying, the child told the SO exactly what the coach had said to her the session in question. The SO then arranged to meet with the other coaches present in the gym who confirmed that the coach in question was indeed shouting at the gymnasts in her group and that it had been going on for a few weeks; one also confirmed what the coach had said to the gymnast in question. There was no doubt that the language used was inappropriate. The SO spoke with the coach in question and presented her with the information which had been gathered and a discussion took place. The coach agreed the language used was inappropriate and that she had felt she did not have as much patience as she used to and had been thinking for sometime about giving up coaching.

Outcome: A letter of apology was sent to the parents and to the gymnast. The coach in question did retire from the sport. The club arranged for SG to deliver a child protection course which all coaches, officials and relevant committee members attended. Coaches and gymnasts were reminded of the clubs policy and procedures on bullying. A club newsletter/welcome pack was developed and issued to parents

Case Study (3) Example Allegation of Serious Poor Practice

Parents contact a club stating they have withdrawn their son due to unprofessional, bullying and intimidating behavior by the coach which resulted in their son having nightmares and feeling stressed. The club committee passes on the complaint to the SO to deal with. The coach in question is informed of the accusation. The SO arranges to speak with all other coaches in the club as well as the child's parents; the parents apparently had a notebook detailing incidents when their son came home from the club upset. Notes of each of the interviews are taken, agreed and signed as a true record. During the interviews it became apparent that the Gymnast in question was unhappy that he had not been selected for extra training and to be moved up to the competitive group with some of his friends. The SO found no evidence whatsoever of inappropriate behavior by the coach towards the gymnast. The parents and the Coach were informed of the findings. The parents did not accept the findings and requested an independent review of how their complaint had been handled. The club agreed and an independent review was arranged.

Conclusion: The independent review concluded that although the club conducted a fair investigation, evidenced good practice in responding quickly to the complaint, the way in which interviews were conducted and recorded the investigation was incomplete. They did not take into account the written notes held by the parents and they did not speak with the child.

Recommendation: The recommendation was that the investigation be re-opened, the parents should be asked to submit their evidence and agree to their son being interviewed. The coach in question should then be given a copy of this evidence and asked if they wish to respond. The coach should also be interviewed and a record taken.

