

Document Title	<b>Scottish Archery Complaints and Procedures Policy</b>		
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# Scottish Archery

## Complaints and Procedures Policy

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Author	<b>Alistair Paton – Director of Governance Review – Chief Operating Officer</b>		
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## 1 Introduction

- 1.1 The purpose of this Policy is to set out a framework to deal with competent complaints raised by a Member of Scottish Archery. The intention of this Policy is to allow Clubs and Areas to deal with local issues, leaving Scottish Archery to deal with more serious cases or cases where the Member has exhausted his/her remedies at Club or Area level and remains dissatisfied with the outcome.
- 1.2 Subject to paragraph 1.3, a complaint can be raised by any Member in relation to: (1) the conduct of another Member; (2) breaches of the Articles of Association; or any Policies which are in force from time to time by another Member; (3) the acts or omissions of any Club or Area, including their handling of and/or determination of the outcome of any complaint.

A Complaints submission form is available from Appendix 3 of this document.

- 1.3 The following complaints shall not be handled by the Scottish Archery pursuant to this Complaints Policy and shall instead be dealt with as specified:
- 1.3.1 complaints which relate to Misconduct, Dangerous conduct or any other matter which is within the scope of the Discipline Policy shall be handled solely under that Policy;
- 1.3.2 complaints which are of a sufficiently serious nature as to merit being handled under Archery GB's Complaints or Disciplinary Policies shall be referred by Scottish Archery (An appointed Director or Chairperson's decision being final) to Archery GB to be handled solely by Archery GB;
- 1.3.3 complaints about matters which are of a local and/or minor nature and which can be handled by the relevant Member's Club or Area in the first instance shall be handled by such Club or Area and only handled by the Scottish Archery pursuant to this Policy where the Member has exhausted his/her remedies at Club or Area level; the decision of an appointed Director as to whether or not a Member has exhausted such remedies shall be final;
- 1.3.4 complaints by or against Employees shall be handled in accordance with appropriate employment policies and procedures.

## 2 Definitions

- 2.1 For the purposes of this Policy the following definitions will apply:
- 2.1.1 'Area' means an Area as defined in the Scottish Archery bye laws.
- 2.1.2 'Archery GB' means the trading name of the Grand National Archery Association, a Company Limited by Guarantee, no. 1342150, in England;

- 2.1.3 'Articles' means the Articles of Association of Scottish Archery as current from time to time;
- 2.1.4 'Club' means a constituted Club as defined in the Scottish Archery bye laws;
- 2.1.5 'Dangerous Conduct' means any conduct described in paragraph 2.3 of the Discipline Policy (Appendix 2),
- 2.1.6 'Director' means a person who has been elected or appointed to the Board of Directors;
- 2.1.7 'Discipline Policy' means the Scottish Archery's Discipline Policy as current from time to time;
- 2.1.8 'Employee' means any person who is employed by, or on behalf of the Scottish Archery on either a temporary or permanent basis;
- 2.1.9 'Member' has the same meaning as defined in the Scottish Archery bye laws;
- 2.1.10 'Misconduct' means any conduct described by paragraph 2.2 of the Discipline Policy (Appendix 1),
- 2.1.11 'Policies' means the policies and bye-laws of Scottish Archery as current from time to time;
- 2.1.12 'Scottish Archery' means the Scottish Archery Association, a Company Limited by Guarantee, no. 389745, registered in Scotland.

### 3 Dealing with Complaints

- 3.1 All complaints should be directed to the Administrator, (or Chair of the Scottish Archery where the complaint is in relation to the Administrator) within 30 days of the relevant incident, breach or other cause for complaint occurring or, where the matter has already been handled at Club or Area level, within 30 days of the final decision at Club or Area level having been notified to the Member, unless there are exceptional circumstances.
- 3.2 An appointed Director (or Chair where appropriate) shall in the first instance determine whether the complaint should be dealt with pursuant to this Policy or handled as set out in paragraph 1.3
- 3.3 If the appointed Director is satisfied that a complaint should be dealt with under this Policy, he/she will either:
  - 1. deal with the matter without referral to the Adjudication Panel (as defined in Section 5); or
  - 2. refer the complaint to the Adjudication Panel for investigation and determination.

### 4 Determination by Appointed Director

- 4.1 The Appointed Director will generally deal with matters which are minor and/or

considered to be straightforward and refer more serious and/or complex matters to the Adjudication Panel

- 4.2 Where the appointed Director decides to deal with a complaint he/she :-
  - 4.2.1 shall collect witness testimony and other evidence to prove or disprove the complaint;
  - 4.2.2 may be assisted as set out in paragraph 5.2;
  - 4.2.3 shall handle the matter in the same manner as set out in paragraphs 5.3 to 5.8 (subject to appropriate amendments to reflect the fact that only one person is dealing with the complaint);
  - 4.2.4 shall have the same rights of disposal as are set out in paragraph 6.1 (subject to paragraph 6.2).

## 5 Adjudication Panel

- 5.1 Where a decision is reached under paragraph 3.3 to refer the matter to an Adjudication Panel the Appointed Director will appoint three independent Members of the Scottish Archery, who will be known as the Adjudication Panel, and not connected with the complaining Member, the Member(s) or other person(s) who is the subject of the complaint or the Club or Area in which any such party is a Member, to inquire into the complaint. One member of the Panel will be appointed as the Chair of the Panel. The Adjudication Panel will collect witness testimony (written or oral) or any other evidence they consider necessary or desirable to prove or disprove the complaint.
- 5.2 When necessary, the Adjudication Panel may at their discretion be assisted by a Member of the Scottish Archery or third party who has specialist knowledge and is able to offer suitable advice and direction in dealing with the complaint.
- 5.3 If possible, the Adjudication Panel should meet within 31 days of the complaint being passed to them or such other period as the Adjudication Panel may consider to be appropriate, having given due notice to the person(s) against whom the complaint has been made.
- 5.4 When the Adjudication Panel meet, the person(s) against whom the complaint has been made, may be accompanied by another Member or representative.
- 5.5 Witnesses may be called to give evidence however there will be no compulsion for any witness to provide evidence. The Adjudication Panel may also consider written or other evidence. The standard of proof shall be on the balance of probabilities. After hearing all evidence, the Adjudication Panel will reach a decision, with each member of the Adjudication Panel having one vote. Any person, who has assisted the panel with specialist knowledge, will have no vote.
- 5.6 At the conclusion of proceedings, the Chair of the Adjudication Panel will write to the complainer informing them of the decision of the Adjudication Panel. This should be done, where possible, within 7 days of the conclusion of proceedings.
- 5.7 The Chair of the Adjudication Panel will also write to the person(s) or club against whom the complaint has been made, confirming the decision of the Adjudication

Panel and outlining the appeals procedure.

- 5.8 The Chair of the Adjudication Panel will prepare a short report for the Board via the Appointed Director. The report will contain details of the complaint, the evidence in support of the complaint, the Adjudication Panel's findings and disposal.
- 5.9 The Adjudication Panel shall at all times act in accordance with the principles of natural justice.

## 6 Disposals available to the Adjudication Panel

- 6.1 The Adjudication Panel may dispose of a complaint as follows:
- A give a direction to a Club or Area to reconsider its previous decision (but not the ability to impose such)
  - B advise the complainant that the complaint was not upheld
  - C advise the Appointed Director as to other measures by way of instruction or administration to the Club, Area or Complainant that the Director should consider appropriate.
  - D suggest to the Appointed Director that the matter should be considered in terms of the Disciplinary Policy.

## 7 Vexatious Complaints

- 7.1 A vexatious complaint can be defined, in general, as one which is brought, regardless of its merits, solely or primarily to harass or subdue any Member or where the subject matter (or substantially the same subject matter) has already been the subject of a complaint already dealt with under this Policy (or any other Policy). It may take the form of frivolous or trivial complaints or may be the repetitive, burdensome, and unwarranted making of complaints in a manner which is likely to cause unnecessary work in investigating them, as well as matters already determined by this or other Policies.
- 7.2 The Appointed Director will decide whether a complaint is vexatious and his decision shall be final.
- 7.3 Where it is decided that no further action will be taken, the Appointed Director will write to the complainer, advising them of this and that their behavior is unacceptable and that no further written correspondence or verbal communication will be entered into. The complainer will be advised that if they continue to pursue the matter, they may be subject to disciplinary proceedings.

## 8 Recording Complaints

- 8.1 There will be no requirement to record informal complaints.
- 8.2 Where a formal complaint is raised, progress will be recorded on the 'Record of Proceedings' page of the Notification Form or similar document either paper or electronic where deemed appropriate. When the matter has been concluded by a Club or Area, the Notification Form will be submitted to the Appointed Director, who will maintain a confidential record of all formal complaints.

8.4 All completed Notification Forms will be kept for a period of 3 years, and kept secure in line with the Information Security policy. This period may be extended should the complaint, or the handling thereof, be the subject of referral to external bodies including, but not restricted to, Police Scotland, Social Services, Archery GB

## 9 Appeals

9.1 Where a Member feels that their complaint has not been satisfactorily resolved by the Appointed Director or the Adjudication Panel, they may lodge an appeal. Any appeal must be made in writing, within 7 days of the decision of the Appointed Director or the Adjudication Panel (as appropriate) being made.

9.2 Any appeal should be submitted to the Chair of Scottish Archery. In all cases the reason for the appeal should be outlined in writing.

9.3 Appeals will be heard by the Chair of the Scottish Archery and should be heard without unreasonable delay. If the Chair wishes to have a hearing before disposing of an appeal, an he/she should organise a time and place which should be notified to the Member in advance.

9.4 The appeal should be dealt with impartially by the Chair who should have not been previously involved in the case. Where this is not possible, the appeal will be heard by a member of the Board other than the Chair or the Appointed Director. The Member has a right to be accompanied to any appeal hearing.

9.5 The outcome of the appeal shall be communicated to the Member in writing without unreasonable delay. The decision of the Chair (or substitute) is final.

## 10 Duration and Review

10.1 This policy will remain in force ~~for a period of 3 years from the date of publication~~ until superseded or reviewed. A review of this policy should be undertaken on a three year cycle where possible.

10.2 Prior to the end of the 3 year period, or earlier if required by any enactment of law, this policy will be reviewed by an appropriate Director, member of Scottish Archery staff or a volunteer appointed by the Board of Scottish Archery ~~the Director of Governance~~

## COMPLAINTS POLICY FLOWCHART 1

### Complaints of Local or Minor Nature



If possible should be handled by member's Club or Area Committee in first instance



If complaint not satisfactorily dealt with by Club or Area, matter referred to Appointed Director for review within 30 days of decision



Appointed Director to determine whether complaint should be dealt with in terms of paragraphs 3 and 4 of Complaints Policy



After investigation the Appointed Director may deal with the matter personally or refer the issue to an Adjudication Panel.



Paragraphs 5 and 6 of the Complaints Policy detail the procedures and outcomes of the Adjudication Panel



#### Appeals

Where a member of dissatisfied with any decision taken by the Appointed Director and/or the Adjudication Panel he/she may appeal in writing to the Chair of Scottish Archery within 7 days as per paragraph 9 of Complaints Policy.



#### Vexatious Complaints

Vexatious Complaints are defined in paragraph 7 of the Complaints Policy and any decision regarding such will be taken by the Appointed Director subject to appeal as above.

## COMPLAINTS POLICY FLOWCHART 2

### Complaints of More Serious or General Nature



If the complaint is of a more serious nature and cannot be handled locally the matter should be referred directly to the Appointed Director.



Appointed Director to determine whether complaint should be dealt with in terms of paragraphs 3 and 4 of Complaints Policy



After investigation the Appointed Director may deal with the matter personally or refer the issue to an Adjudication Panel



Paragraphs 5 and 6 of the Complaints Policy detail the procedures and outcomes of the Adjudication Panel



### Appeals

Where a member is dissatisfied with any decision taken by the Appointed Director and/or the Adjudication Panel he/she may appeal in writing to the Chair of Scottish Archery within 7 days as per paragraph 9 of the Complaints Policy



### Vexatious Complaints

Vexatious complaints are defined in paragraph 7 of the Complaints Policy and any decision regarding such will be taken by the Appointed Director subject to appeal in writing to the Chair of Scottish Archery within 7 days

## APPENDIX 1

Extract from Scottish Archery's Disciplinary Policy

### **2.2 Misconduct**

2.2.1 The essence of misconduct under this policy is :-

1. Improper interference, harassment or obstruction
  - 1.1 with the functioning or activities of the Scottish Archery Association or
  - 1.2 of any person legitimately pursuing archery under the auspices of Scottish Archery or
  - 1.3 of any person who is engaged in any legitimate Scottish Archery administrative capacity.
2. Any dangerous conduct within an archery context which results in, or could possibly result in, harm to any person whomsoever.
3. Any action, intentional or reckless, which damages, or may damage, property belonging to Scottish Archery or any of the affiliated archery clubs and the grounds or premises in which they shoot.
4. Any conduct constituting a criminal offence which either
  - 4.1 damages the reputation of Scottish Archery or
  - 4.2 is itself of such a serious nature as to require exclusion from membership of Scottish Archery or
  - 4.3 is of such other nature determined by the Board as to require some form of penalty being imposed to reflect its consequences.
5. Any discreditable conduct which impinges on the activities of Scottish Archery or any person connected to Scottish Archery. This includes but is not limited to :-
  - 5.1 bullying, violent, indecent or intimidating behaviour or
  - 5.2 sexual and non-sexual harassment or
  - 5.3 cheating at any archery event or
  - 5.4 any conduct which interferes with the normal activities of any person associated with Scottish Archery
6. Any breach of the Scottish Archery's Articles of Association, Bye Laws and Policies including but not limited to :-
  - 6.1 Conflict of Interest or
  - 6.2 Child Protection and Protection of Vulnerable Groups or
  - 6.3 Equality or
  - 6.4 Disability or
  - 6.5 Data Protection / GDPR or
  - 6.6 Anti-Corruption or
  - 6.7 any other such policies which are in force from time to time.
7. Any breach by a Director of the Directors Code of Conduct.

## APPENDIX 2

Extract from the Scottish Archery Disciplinary Policy

### **2.3 Dangerous Conduct**

2.3.1 The essence of dangerous conduct under this policy is:-

1. Conduct involving the safety of any member or other person, during or whilst in the vicinity of any archery activity conducted by Scottish Archery or an affiliated club, whether or not actual injury was caused. It should be dealt with immediately using this policy.
2. Allegations of dangerous conduct may also be referred by the Board to Archery GB for its consideration.



APPENDIX 3  
Scottish Archery Association



Complaints Policy Notification Form

Details of person making complaint

Name:

Address:

Post Code:

Telephone no:

Email:

Membership no:

Details of complaint

Is the complaint against a  
known individual:

Select

If YES please enter persons  
details:

Name:

Club:

Area:

What is the nature of the  
complaint? Include date,  
place of occurrence, any  
witnesses to incident:

Signature:

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Date:

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APPENDIX 4

Record of formal proceedings

	<u>For Club Use only</u>	<u>For Area Use only</u>	<u>For Scottish Archery</u>
Date received:			
Outcome:			
	Date passed to Scottish Archery:	Date passed to Scottish Archery:	Date passed to Adjudication Panel:
Persons hearing the complaint:			
Date and place of hearing:			
Outcome of meeting:			