

LSKC Complaints Policy and Procedure.

Lothian Sea Kayak Club (LSKC) follows this Complaints Policy to ensure that all complaints are handled in a fair and even-handed manner, consistently, promptly, and with due regard to all involved. This document sets out the process that must be followed with all complaints.

All members are required to adhere to the SCA code of conduct.

Why complain?

Members may wish to make complaints about a variety of issues. Before commencing the process, the member must first consider whether alternative solutions to a complaint have been sought. A formal complaint should be viewed as the last resort of issue or conflict resolution, not the first method of resolution.

Once a member has sought alternative means of resolution of the issue and still wishes to register a complaint, the following procedure should be followed.

Who can complain?

Any member has the right to submit a complaint to the Committee. Any non-member who has a complaint against a member of the Club whilst acting on Club business, or a complaint about the Club itself, may also submit a complaint. If a non-member has a complaint about a member, this may be dealt with as detailed in the policy.

If a complaint is made against the Club itself, regardless of whether a complaint is by a member or non-member, such complaints must be referred immediately to the SCA. The Club cannot investigate complaints against itself.

How to submit a complaint.

All complaints must be put into writing and submitted to the Committee via committee@lists.org.uk

Verbal complaints will not be accepted by Committee.

The complainant should clearly state the nature of the complaint and provide as much supporting evidence of the complaint as possible. They should state under which LSKC policy they feel a complaint falls. A full detailed description of the complaint should be made, and should include details of any mitigating steps the individual has taken to resolve the issues before submitting their complaint to Committee.

The complainant should clearly state what outcome they are seeking.

Where appropriate, times and dates should be included, and, if relevant, any witnesses.

Complaints will not be accepted beyond three months after the issue occurred which triggered the complaint.

If the complaint involves a Committee member, the complaint should be addressed to the Secretary only. Any Committee member making a complaint is required to recuse themselves from the process. Any committee member who has complaint against them should also be recused by the Chair. If the Complaint is about the Chair, the Committee should nominate either the Treasurer or the Secretary to investigate the issue. In all cases, the Committee member involved should have no input or part of the outcome discussion or vote.

Committee Response

The Committee Secretary will acknowledge complaint submission within 72 hours. If the Secretary is absent, the Chair will respond. Once the complaint has been logged, the following will occur.

After 72 hours, the Chair will begin investigation into the complaint, and take a maximum of a further 28 days to examine the complaint and seek further information should this be needed. During this time the Chair will conduct any investigations they deem necessary. This may include talking to someone about whom a complaint has been made, speaking to witnesses, examining equipment etc.

The person who has a complaint lodged against them must be informed by the Chair that a complaint has been lodged and that an investigation is taking place. The Chair should not inform the individual of the name of the complainant.

The Chair will be required to draw up responses to the complainant and the member against whom a complaint has been lodged, once the investigation is complete.

The Chair will present the actions they have taken and their findings and present a provisional written responses, to Committee. The Chair may do this via email, or at the next committee meeting if it falls within the 28 day timescale.

If a two-thirds majority of the entire Committee are in favour of the responses, the Chair will then forward their responses to those involved. If there is not a two-thirds majority, the Committee must agree further action. This action must be recorded by the Secretary and acted upon by the Chair. If this action will delay the 28 day response time, the Chair must write to the complainant and state the reason why there is a delay and give a specified time that the complaint will be dealt with. No complaint procedure should go beyond 45 days. Should the complaint exceed 45 days, the complaint should be

referred to the SCA by the Secretary and the complainant informed of this action.

In responding to the complainant, the Chair is only allowed to state the complaint has been upheld and necessary actions taken or that the complaint has found to have no substance and that there will be no further actions by the Committee.

In responding to a member against whom a complaint has been made, the Chair must inform the member if the complaint has not been upheld. If a complaint has been upheld, the member must be informed of any sanctions the Committee have imposed giving a rationale for the choice of sanction.

As part of the written response, the Chair must inform the complainant that if they are unhappy with the outcome reached, they have the right to appeal under the complaints policy. If a complaint has been upheld, the Chair must inform the member against whom a sanction has been agreed, that they have a right of appeal.

In the event the Chair is unavailable to conduct the investigation during the 28 day period, the Chair must agree with Committee which Committee member will deal with the complaint in their absence.

Bank holidays including Christmas, New Year, and Easter shall not be counted in the time limits specified in this policy.

Right of Appeal

If a complainant or a member against whom a complaint is made, is not happy at the outcome of the investigation of the complaint and the recommendations made, they have the right of appeal. To appeal, they must write to the committee as above and follow the same procedure.

To appeal, in both instances the member must specify why they believe the outcome is unreasonable. They must specify if they think further investigations should have been conducted and include any evidence they believe had been omitted. They must submit all communications surrounding the initial investigation from the Chair as part of their appeal.

If an appeal is submitted to Committee, Committee can no longer deal with the complaint, and must nominate an ordinary Club member to investigate on their behalf. The complainant must also nominate a Club member, and the two independent nominees will reinvestigate the complaint as detailed above. The 30 day timescale recommences once the two independent members have been appointed. The complainant and the Committee have 7 days from receipt of the appeal to nominate an individual. Once they have come to a conclusion, they must present their findings to committee who must accept their recommendations. If committee have a majority who vote against the

independent findings, then the matter should be referred directly to the SCA. and the complainant informed.

Scope and limit of complaints

LSKC only accepts complaints about current members. LSKC cannot accept complaints from members about individuals who are not Club members.

LSKC accepts complaints about any goods and services the Club provides.

LSKC will dismiss complaints which are seen to be vexatious.

Inappropriate and Vexatious complaints.

LSKC will take action against any complainant that breaches the SCA code of conduct. This includes any complaints that are in breach of LSKC policies.

All members are required to act in a reasonable manner. This includes complainants and those against whom a complaint is made.

LSKC will sanction any complainant who consistently sends unsolicited emails or any other form of communication, including verbal, to the individual investigating the complaint. The investigator should keep a log of such communication with supporting evidence. If in the opinion of the investigator the complainant has become vexatious, they must submit a report to the Committee who will decide whether to continue with the complaint. If the Committee wish to continue having the complaint investigated, the Secretary should write to the complainant instructing them that they should desist from contacting the investigator and that further contact will result in the complaint being dismissed. In the event that the Committee decide that the complainant is being vexatious, the Secretary must write to the individual stating the reasons the Committee has given for dismissing the complaint.

Confidentiality.

It is a requirement of Committee members not to discuss outwith the Committee any complaints made.

If a complainant has made a complaint against another member (the complainee) the complainant must be made aware that the individual who has a complaint lodged against them will be informed of the complaint and form part of the investigation. Any complainee has a right to explain their position as part of the complaint investigation.

The complainant should be reminded that their complaint is confidential and should not be freely discussed outside the investigation.

Sanctions which may be imposed by Committee

The following sanctions may be imposed whereby a complaint has been upheld against another member.

- A verbal warning may be issued. This should be logged by the Secretary once it has been made.

It is anticipated that the majority of upheld complaints will fall in this category.

- A written warning may be given. The Secretary should log this and keep it on file for a period not exceeding eighteen months and not less than twelve months.

It is anticipated that this will be for more serious breaches of conduct which fail to comply with Club policy and procedures in a clear and unambiguous manner.

- A member may be suspended from the Club for a period of time not less than three months and no longer than twelve months.

It is anticipated that this will be for serious breaches which bring the club into disrepute and which clearly fail to comply with Club policy.

- The member may be ejected from the Club. In the event the member is ejected from the Club, they may reapply to join by writing to the committee for approval no sooner than twelve months after the ejection. The Committee have the right to refuse membership without giving reasons.

It will be anticipated that this will be a rarely used sanction. It is intended for the most serious of actions and those actions which bring the club into disrepute.

