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ENGLAND ATHLETICS CLUB GUIDE

MANAGING CLUB DISPUTES AND COMPLAINTS



MANAGING CLUB DISPUTES AND COMPLAINTS CLUB GUIDE

CONTENTS

Welcome to our Managing Club Disputes and Complaints Guide

England Athletics seeks to provide an environment where all, and specifically those who are vulnerable, are kept safe from harm, abuse and neglect while they are involved with athletics. This guide aims to help you manage any club disputes and complaints that may arise.

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01. INTRODUCTION

01. INTRODUCTION

Clubs are responsible for their own governance and are regulated by their own set of rules (constitution).

Introduction

Most people have a positive experience in athletics and running clubs, but unfortunately problems such as disputes and poor behaviour can occur. It's therefore important that your club understands how to manage any issues, by having a clear process in place.

We recognise clubs are managed by club members and/or volunteers, so this guide aims to help clubs manage misconduct and disciplinary matters at a local level so any actions, recommendations, outcomes or sanctions are fair and reasonable.

This guide will:

- ✓ provide a process for club members and/or volunteers to follow for managing disputes and complaints
- ✓ give club members and/or volunteers the skills and tools to help them manage the process
- ✓ enable clubs to communicate a clear procedure to its club members and/or volunteers
- ✓ help club members and/or volunteers understand the reporting mechanism and support available from England Athletics.

Benefits of a clear process and way of managing disputes:

- Offers reassurance to club members and/or volunteers that they are doing the right thing
- Enables all parties a full understanding
- Helps members to see the club operates fairly with everyone
- Enhances the experiences of members, should they feel they need support
- Gives members a voice and a platform to be heard.

01. INTRODUCTION

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- **Fairness and equality** – Problems raised at a club level should be dealt with fairly, ensuring impartial and just treatment or behaviour without favouritism or discrimination. Clubs can do this by adhering to codes of conduct and upholding inclusion policies.
- **Respect** – Clubs do not tolerate disrespectful behaviour towards anyone. This is underpinned by equality legislation. Club members and/or volunteers should feel free to raise problems safe in the knowledge they will be listened to and not victimised.
- **Care** – A grievance and disciplinary process can be stressful for everyone involved. Sometimes, it can lead to significant distress and negatively impact on the mental health of a club member and/or volunteer. Clubs should consider how to support all parties and make reasonable adjustments where relevant.
- **Confidentiality** – If club members and/or volunteers raise problems, clubs should endeavour to be discreet and only involve the necessary people. Club members and/or volunteers should treat the airing and resolution of problems in a confidential manner, including in communications occurring outside of the club, such as on social media.



If a fair process is followed, the outcome is more likely to be accepted, which will lead to a quicker resolution for all parties.

You can be fair by:

- ✓ implementing a consistent process for all
- ✓ having a transparent process that is communicated to all members
- ✓ valuing and recognising individual differences and opinions
- ✓ removing bias (conscious and unconscious) by gathering and understanding all viewpoints and evidence
- ✓ using independent mediators or panel members who aren't involved with the club or the conflict.



01. INTRODUCTION

Glossary of Terms/Definitions

A **disciplinary** is a method for dealing with a club member and/or volunteer who causes problems or does not obey club rules.

A **dispute** is a disagreement or argument between two or more people or groups of people.

Grievances are concerns, problems or complaints a club member and/or volunteer raises with their club committee. A grievance can be brought informally, or, if this approach does not work, formally.

Licensed role

A licensed role is where an individual has undertaken and holds a valid licence card issued by England Athletics (or UK Athletics before 30th September 2023). A licensed role can often be a position of trust and therefore requires a level of education and checks (DBS).

Local Authority Designated Officer (LADO)

The Local Authority Designated Officer (LADO) is the person who should be notified when it's been alleged that someone who works with children has behaved in a way which has harmed or might harm a child, or possibly committed a criminal offence against a child.

Misconduct is unacceptable or improper behaviour and can be classed as serious misconduct or misconduct (see fig. 1).

Safeguarding is the action taken to promote the welfare of children and adults, and protect them from harm.

Safeguarding means:

- protecting children and adults from abuse and maltreatment
- preventing harm to children or adults' health or development
- ensuring children and adults take part in athletics and running safely
- taking action to enable all children and adults to experience the best outcomes.

01. INTRODUCTION GLOSSARY OF TERMS/DEFINITIONS

Misconduct (fig. 1)

MISCONDUCT

Using inappropriate language

Internet misuse

Disagreements

Minor instances of not following codes of conduct

Lateness/Absenteeism

SERIOUS MISCONDUCT

Violent behaviour

Bullying

Harassment

Theft or fraud

Behaviour that endangers the health and safety of others

Doping violations

Safeguarding policy breaches

02. ROLES AND RESPONSIBILITIES

02. ROLES AND RESPONSIBILITIES

Serious misconduct and safeguarding

All matters of serious misconduct and safeguarding should be reported to England Athletics who will lead the investigation and work with clubs and their members, as necessary, to conduct enquiries.

Reporting serious misconduct and safeguarding:

- ✓ Report serious misconduct to welfare@englandathletics.org
- ✓ Submit a safeguarding concern at [UK Athletics](#)

Anything of a criminal nature should be reported to the police and/or the Local Authority Designated Officer (LADO).

If you have any immediate and serious concerns about a club member and/or volunteer, you should contact the emergency services by calling 999.



Note: If a coach or official is being investigated based on a complaint/allegation from outside the club, UK Athletics or England Athletics will contact the club, if required, to advise of any action the club needs to take.

England Athletics Licensed roles

Any active coaches and officials should be licensed by England Athletics (or UK Athletics if licensed issue pre 30th September 2023). The licence terms and conditions, together with the code of conduct, set out the standards of professional practice which must be adhered to.

Licensed coaches and officials agree to comply with the terms and conditions, and the UK Athletics and Home Country Athletics Federations (HCAF) Code of Conduct for coaches (together the 'Coach Licence'), and any other rules, procedures, codes of conduct, policies and guidelines that UK Athletics may publish or impose from time to time (including any applicable codes of practice and/or health and safety policies).

UK Athletics or England Athletics may investigate if a coach or official is in breach of any of the licence. Suspension could be issued during the investigation and, as a club, you will be notified should this occur.

If you believe one of your coaches or officials has breached their licence, please report this in confidence to welfare@englandathletics.org

Alternatively, you could follow the England Athletics Whistleblowing Policy.

02. ROLES AND RESPONSIBILITIES

Affiliated clubs

If the dispute or misconduct you are dealing with does not constitute serious misconduct or a safeguarding issue under the national athletics Safeguarding Regulations, then it may be suitable to be managed at club level.

Examples of disputes or misconduct that could be managed at club level include:

- a group of parents falling out over team selection
- social media comments
- disagreements or arguments at social events
- athletes falling out
- coaches disagreeing on training space, athlete groupings or athlete progression
- committee members excluding new members from joining
- disagreements between coaches and team managers about athlete selection
- non-licensed role code of conduct breaches (by athletes, parents, club members and/or volunteers).

Who should be involved with a complaint?

Going through a grievance and disciplinary process, whether informal or formal, will require the support of different people, both internal and external to the club, throughout the process (see fig. 2 on next page).

Clubs can contact welfare@englandathletics.org to assess the complaint or receive bespoke advice.



Note: You should follow your club constitution and associated policies when dealing with a complaint.

02. ROLES AND RESPONSIBILITIES

Who should be involved with a complaint? (fig. 2)



Club Secretary – Responsible for communicating to all involved throughout the complaint, on behalf of the club committee.



Club Welfare Officer This could be the person who receives the complaint and/or who club members and/or volunteers turn to for support. Responsible for reporting and recording complaints and all concerns.



Club Committee To appoint impartial people to support in the following roles:

- Mediator (one person, although a few people may be identified to call on)
- Investigator
- Grievance and disciplinary panel (three people)
- Appeal panel (three people).

02. ROLES AND RESPONSIBILITIES

When deciding who to involve with a complaint, consider who will provide impartiality, has an understanding of the context of the grievance and has the time available to consider all information. There may be a well-qualified person within the club or externally, (for example, an HR manager, a mediator, a counsellor) who could offer their expertise to support a grievance and disciplinary.

Complainee, complainant and witnesses - All will need to be involved. This might be an informal conversation or, if a formal process, they will be spoken to as evidence is gathered. All viewpoints will need to be considered.

Accompanying person - In many cases, it will be beneficial to allow a club member and/or volunteer to be accompanied by a friend, because:

- English may not be their first language and a companion may be in a position to help facilitate the discussion
- they may have a disability or learning difficulty and require support from a learning mentor, or carer
- having a companion can make an interviewee feel more comfortable and more willing to talk openly
- a procedure that allows a companion can increase confidence and perceived credibility in the process, and can help support the club member and/or volunteer's wellbeing as the process could be stressful.

Wellbeing

If concerns about the mental health of a club member and/or volunteer are raised, the club should treat the issue seriously and consider whether the process can be adjusted in some way. For example, by allowing the member to be accompanied at any meetings by a support worker, friend or family member who is aware of their mental health.

Sometimes, it might be appropriate to seek (with the agreement and involvement of the club member and/or volunteer) professional medical help or guidance as to how the investigation can proceed fairly, in recognition of the impact the process may have on the club member and/or volunteer's mental health.

To ensure the club member and/or volunteer receives help, an investigator should highlight where they can seek further support. This might include:

- via a mental health first-aider or champion
- a local GP
- a mental health charity.

03. INFORMAL RESOLUTION

03. INFORMAL RESOLUTION

An informal complaint is a matter that requires follow-up action or investigation by the club to resolve it, without the need for a formal hearing.

As a general rule, an informal complaints process should:

- not require a comprehensive investigation
- remain fully confidential
- be recorded
- not require official disciplinary action if there is agreement between both parties and/or a formal complaint is not submitted.

Why is it beneficial to try and resolve a complaint informally?

- It allows for early intervention to prevent the issue escalating.
- It enables clubs to keep a close eye on any potential issues and to put support in place.
- It can resolve the issue in a more timely manner.
- It can support the wellbeing of club members and/or volunteers.

! Important considerations

- ✓ The complaint needs to be treated seriously and dealt with in a fair and efficient way.
- ✓ Complaints about conduct could be due to poor behaviour or, in the case of a club member and/or volunteer, someone's ability to carry out a role.
- ✓ Just because a complaint is expressed to be 'off the record', it should not be side-lined. Sometimes, the most serious matters are raised informally.
- ✓ You will need to make a judgement on when to let the issue play out and when to intervene.
- ✓ Ensure that the wellbeing of all club members and/or volunteers is taken into account, especially if conversations are difficult.
- ✓ Prevention is better than cure – promoting collaboration and positive relationships in your club could prevent disputes/complaints.

03. INFORMAL RESOLUTION

When a quiet word can be enough

In some situations, you might be able to resolve a complaint informally by talking privately with the people involved. To take this approach, you would start by talking the issue through again with the person who made the complaint, including how they'd like to see it resolved. If their complaint is about another member's behaviour, then you'd talk separately with the person they've complained about. Depending on how discussions go, you might find you're able to resolve the complaint. If you find you cannot resolve it this way or need more information, you should look into the complaint further.

If you need to look into the complaint further

- **Decide who will do this** – You should make sure the person who looks into the issue is neutral and not involved in the complaint. If this is not possible, for example in a small business, the person looking into it must keep an open mind and remain fair throughout. Alternatively, you could pay an external person to help, such as someone trained to handle workplace investigations and conflict resolution.
- **Gather evidence** – The person looking into the complaint should acquire evidence that supports the complaint, as well as any evidence that undermines it.

This person should ask for evidence from:

- ✓ the complainant
- ✓ the complainee (who the complaint is about)
- ✓ any witnesses.

Evidence could include emails, text messages, letters, photos or CCTV. Records of any evidence found should be kept, and the steps taken to find it, logged.

Ways of resolving the complaint informally

Depending on the complaint and what's been learned from looking into it, you will need to consider the best way to try resolve it. You might need to agree this with other people, such as the person who made the complaint. If appropriate, you might use one or more of these approaches to resolve the issue:

- **Talk to someone in private** – As part of looking into the complaint, you should have already talked with the people involved, such as:
 - ✓ the person who raised the complaint
 - ✓ the person the complaint is about
 - ✓ any witnesses.

03. INFORMAL RESOLUTION

After looking into the complaint further, you might decide the best way to try to resolve it at this stage is by talking again to some of the people involved. Sometimes, talking in private with those involved can help to:

- ✓ repair working relationships
- ✓ make clear what counts as acceptable behaviour.

For example:

- ✓ A club committee member or someone who is neutral might be able to talk to a person in private to let them know their conduct was inappropriate.
- ✓ A club committee member might be able to explain to a complainee how their behaviour made someone feel, and to see if they'd be willing to apologise.

- Hold a meeting with the people involved. Depending on the situation, you might feel it's appropriate to try to resolve the issue via an informal meeting with:

- ✓ the person who raised the complaint
- ✓ the person the complaint is about
- ✓ any witnesses.

Before arranging this type of meeting, make sure everybody is willing to come together to try to resolve the complaint. If you do have a meeting, you should:

- ✓ give everyone enough notice of the meeting
- ✓ hold the meeting in a private place
- ✓ listen to what everyone has to say
- ✓ take everyone's views into consideration
- ✓ work towards resolving the issue in a way that everyone can accept
- ✓ make sure any agreed outcome is consistent with similar situations in the past
- ✓ keep notes of any agreed actions.

If you cannot agree on an outcome in the meeting, you should continue to try resolve the issue afterwards. It may be the case you approach everyone again and suggest a different way to resolve the issue.

- If everyone agrees, you could try [mediation](#). Mediation involves an independent, impartial person helping all sides find a solution. It can be useful if there's been a misunderstanding or a lack of awareness of how someone's actions affect others.

03. INFORMAL RESOLUTION

If no action is needed

After looking into a complaint thoroughly, you might decide there is no need for action or further steps. If so, you should:

- keep a written record of this decision and the reasons why
- update the person who made the complaint (the complainant) and explain why you decided no action was needed.

Consider the following solutions:

- Re-explain the role and expectations – A reminder of the role, its boundaries and what you expect from the club member and/or volunteer may solve the issue.
- Offer more support or training – Sometimes, it takes people a little longer to learn new skills. If the club member and/or volunteer is struggling with their role or part of it, they might need more support.
- Change their tasks – If a task is causing an issue, see if someone else could do it or if the club member and/or volunteer could do it in another way.

- Offer another role – If the role isn't meeting the club member and/or volunteer's expectations, see if they can support you in another way. Set a time frame for trying out any new roles, approaches or behaviour.
- Agree on improvements – If the issue is a disagreement, set out to make improvements with club members and/or volunteers.
- Remind members of the club's ethos – The club's vision and values, codes of conduct and any relevant policies should be revisited.
- Offer **mediation** – Bringing impartiality via mediation could help all involved, if required.
- Make people aware of potential future action – Notify club members and/or volunteers that further issues may result in disciplinary action.

If you need to take it further

If the complaint cannot be resolved informally, you might decide to lodge a formal complaint.

04. FORMAL RESOLUTION

04. FORMAL RESOLUTION

If it is not possible to resolve a complaint or misconduct informally, club members and/or volunteers should raise the matter formally to the club committee. Grievance and disciplinary procedures are essential when informal mechanisms are ineffective or inappropriate given the nature of the dispute or misconduct. Clubs should follow their constitution and/or their own grievance and disciplinary procedure.

Grievance and disciplinary procedures are needed to:

- define a clear process, which everyone will follow
- ensure everyone is treated equally in similar circumstances and to deal with issues in a fair and reasonable manner
- make club members and/or volunteers aware of what's expected of them in terms of conduct and standards for carrying out their role (and the likely consequences of continued failure to meet these standards)
- provide individuals with a course of action if they have a complaint and they're unable to resolve it informally
- give points of contact and timescales to resolve issues of concern

- resolve matters internally without recourse to UK Athletics or England Athletics
- identify obstacles people may encounter to achieve the required standards (for example, training needs or lack of clarity regarding role requirement).

Two scenarios where a club would use grievance and disciplinary procedures are:

- A formal complaint is submitted to the club which triggers the grievance and disciplinary procedure. The complaint is investigated as a grievance, which could result in disciplinary action being taken.
- A disciplinary could be issued without a grievance (or complaint) being submitted if poor behaviour has been observed and it goes against the club code of conduct. Such misconduct would be investigated ahead of any potential disciplinary.

England Athletics recommends that clubs follow the following three steps (fig.3 right):



Note: A club can suspend a member whilst an investigation is carried out.

Grievance and disciplinary procedures (fig. 3)



Step 1: Investigation



Step 2: Grievance and disciplinary panel hearing



Step 3: Appeals

Summary of key tasks (fig. 4)

Once a grievance has been submitted in writing or the club decides there is grounds to take a club member and/or volunteer through a disciplinary procedure, the club should ensure each specific task is dealt with by the correct person.

TASK	PERSON
Complaint received in writing by the club committee	Complainant
Decide if there is grounds to go forward with the formal process or if it could be resolved informally	Club Committee
Acknowledge the complaint, highlighting the club procedure, next steps and timescales	Club Secretary
Contact the club member and/or volunteer who the complaint is about, highlighting club procedure, next steps and timescales	Club Secretary
Identify the best person(s) within the club to lead the investigation	Club Chair/Club Secretary
Identify the best person(s) within the club to sit on the panel	Club Chair/Club Secretary
Produce the investigation plan	Investigator
Set a proposed panel date	Investigator, with panel members
Invite the relevant people to the panel date	Club Chair/Club Secretary
Carry out the investigation	Investigator
Write the report	Investigator
Submit the report to panel members	Investigator
Review the report	Panel members

Summary of key tasks cont. (fig.4)

Panel hearing takes place	Panel members
Submission of panel decision and recommendations to the club committee	Chair of Panel
Committee reviews panel recommendations and announces the action to be taken	Club Chair
Communication of the decision to the club member and/or volunteer	Club Secretary, or relevant person
Submission of an appeal	Complainee
Decision by the club if there is grounds for an appeal	Club Committee
Identify the best person(s) within the club to sit on the appeal panel	Club Chair/Club Secretary
Review the appeal information	Chair of Panel
Appeal hearing	Appeal Panel
Decision of panel and recommendations submitted to the club committee	Chair of Panel
Recommendations and action of club committee review panel	Club Chair
Decision communicated to the club member and/or volunteer	Club Secretary, or relevant person

04. FORMAL RESOLUTION

SUSPENSION

Suspension

Suspension is when the club committee decides to temporarily stop a club member and/or volunteer from attending a club activity. A club committee can consider suspending someone while carrying out a grievance and disciplinary investigation, if there's a serious issue or situation.

Suspension does not mean a club member and/or volunteer has done anything wrong and it should not be used to discipline.

Being suspended can be stressful for a club member and/or volunteer, so it's important that clubs:

- ✓ consider the wellbeing and mental health of anyone they're thinking of suspending
- ✓ only suspend someone if there's no other option
- ✓ plan what support they'll provide to anyone they suspend.

A club should consider each situation carefully before deciding whether to suspend someone. Suspension will only be required in certain situations. You should not use suspension automatically and should gather some initial information:

- What's happened?
- Who's involved?
- How serious might it be?

This will help you understand the situation and work out whether suspension might be appropriate.

Is suspension needed?

You should only consider suspension if you believe it's needed to protect:

- the person under investigation
- the investigation – if you're concerned about someone damaging evidence or influencing witnesses
- the club – if there is a genuine risk to club members and/or volunteers, club equipment, property or finances
- other club members and/or volunteers.

Once you have enough information, carefully consider what you've found to help decide whether suspension is a reasonable way of dealing with the situation. If it's not reasonable, there's a risk you could be breaking the employment contract, which could lead to legal action.

In all circumstances, you should check if there is an alternative to suspension.

04. FORMAL RESOLUTION

SUSPENSION

Alternatives to suspension

It's usually best to avoid suspension, and there might be a way to handle the situation without suspending someone. If needed, you could arrange for someone to temporarily:

- change their volunteering or training times
- join a different training group
- perform a different role
- stop doing part of their job – for example, stop handling stock if you're investigating a large amount of stock going missing
- work with different customers or away from customers – for example, if you're investigating a serious customer complaint
- stop using a specific system or tool – for example, removing access to the organisation's finance system if you're investigating a large amount of missing money.

Keep the reason for any temporary change confidential, wherever possible, and discuss with the club member and/or volunteer what you'll tell others about the change.

Making your decision

To help decide whether suspension is needed, you should consider:

- what you've found so far
- the wellbeing of the person under investigation, and how their mental health might be affected if suspended
- the risks if you do not suspend a club member and/or volunteer – this might be a risk to others at work, the business or the investigation
- how serious these risks are
- any alternatives to suspension.

Once you've considered all these things, you will need to decide whether to:

- suspend someone
- make a temporary change, as an alternative to suspension
- not suspend anyone.

Process for suspending someone

If your club needs to suspend someone, they should support this person during the suspension. It's important to:

- ✓ make clear the suspension does not mean they've decided this person has done something wrong
- ✓ make sure the suspension is as brief as possible
- ✓ keep in touch with the suspended person and support their mental health and wellbeing
- ✓ carry out a fair investigation, in line with the club's grievance and disciplinary procedures.

04. FORMAL RESOLUTION

SUSPENSION

Telling the person you're suspending them

Once you have decided to suspend someone, you should let them know as soon as you can.

It's good practice to:

- explain the reason for their suspension
- set out the next steps
- confirm they'll continue to be able to access their club benefits during suspension
- make clear it does not mean you have decided they've done something wrong
- make clear you will listen to their point of view and consider it before making any decisions
- explain their responsibilities during suspension, for example what they can and cannot do
- give them a copy of the club's grievance and disciplinary policy and procedures

- check you have up-to-date contact details for them, including an emergency contact person
- name someone they can contact if they have any concerns, let them know what support is available and encourage them to use it.

Considerations

- ✓ Tell the person face to face, if possible. This can help you break the news sensitively, answer any questions they have and ask if they need any immediate support.
- ✓ You may wish to put it in writing to avoid any misunderstanding.
- ✓ Keep the details of the investigation confidential.
- ✓ It's best to tell the person you're suspending as much as you're able to. This can help them understand the situation and show that you're following a fair procedure.
- ✓ You should only suspend someone for the shortest period of time possible whilst you investigate.
- ✓ You should review the suspension regularly to make sure it's needed.
- ✓ It's important to keep in touch with the suspended person to update them and to support their mental health and wellbeing.

04. FORMAL RESOLUTION

STEP 1: INVESTIGATION

Preparing for an investigation

Where there is a possible grievance and disciplinary issue, the club should find out all they reasonably can about the issue. Investigating the issue will help you:

- ✓ see if there is a case to answer
- ✓ make sure everyone is treated fairly
- ✓ understand all points of view and establish facts
- ✓ identify the next course of action.

If an investigation is required, the stages set out in this section aim to help the person responsible for conducting the investigation (the investigator) prepare effectively and achieve the most appropriate outcome for all involved.

I: Preparing an investigation plan

The investigation plan might include:

- the facts that need to be established
- the evidence that needs to be collected
- the policies and procedures that need to be followed
- the timeline for reaching an outcome
- information as to who should be involved and how they will be communicated with
- information about the location of meetings
- the reasonable adjustments that may be required to facilitate meetings/gather evidence and ensure the people concerned are supported during the process.

II: Checking policies and procedures

It is important to refer to the relevant policies and procedures throughout the investigation process. Even if the investigator has a broad understanding of each policy and procedure, it is important to re-read these ahead of the investigation. An investigator should consider all aspects of the grievance to determine the appropriate policies and procedures.

All investigators should refer to the:

- Club grievance and disciplinary policy
- Club constitution
- Code of conduct.



Note: At any stage, your club can look at, and decide, if the formal procedure needs to continue, if the issue can be resolved informally and/or if a suspension is required.

04. FORMAL RESOLUTION

STEP 1: INVESTIGATION

Other policies and procedures (depending on the nature of the grievance) may include:

- Child safeguarding policy
- Adult safeguarding policy
- Child safeguarding procedure
- Adult safeguarding procedure
- Inclusion policy
- Health and safety policy
- Privacy notice
- Social media policy
- Anti-bullying policy
- Other relevant policies held by the club.

III: Identifying available evidence

When considering different types of evidence that could be collected to aid the investigation, it is important to remember that only relevant and appropriate evidence should be collected. Evidence should only be sourced to obtain the facts of the matter being investigated. Further information on this is included in the section 'Carrying out the investigation'.

IV: Identifying relevant people for the investigation

If there are witnesses to an incident that occurred, the investigator may choose to talk to some of the witnesses or ask them to write a statement to help ascertain the facts.

A witness may feel uncomfortable about making a statement or have concerns about their safety, depending on the nature of the incident being investigated.

Remember that you are trying to only understand the facts of the matter, so any questions asked should relate solely to this.

V: Deciding on the order of evidence collection

This depends on the type of grievance being investigated and on how much evidence is available. Where there are several sources of evidence available, it may be prudent to review this evidence ahead of interviewing the person or people who have a grievance made against them. If the matter is particularly complex or unclear, an investigator may choose to interview at an early stage to try and understand the issue(s) more clearly.

VI: Arranging where and when meetings will take place

Meetings should be held in private to avoid unnecessary gossip and distractions. Whilst privacy is important, always ensure the meeting takes place in a safe environment for all attending parties.

Meetings can be held online but it is important to check that all parties feel confident using a computer. Try to establish a time that is convenient for everyone and sufficient to conduct the meeting.

Review the club constitution and/or grievance and disciplinary procedures to establish timelines – the interview and its findings will need to be completed within a set time frame.

04. FORMAL RESOLUTION

STEP 1: INVESTIGATION

VII: Invitation to attend a meeting

An investigator should provide a written invitation to interview the person(s) who has aired the grievance, giving an appropriate period of notice.

The invitation should include:

- ✓ the date, time and place of the meeting
- ✓ the name of the investigator and their role
- ✓ the reason for the meeting
- ✓ an explanation that the meeting is only to establish the facts of the matter and is not a disciplinary hearing
- ✓ a request to keep the reason for the meeting, and any discussions that take place, confidential

- ✓ whether there is a right to be accompanied to the meeting
- ✓ if any reasonable adjustments need to be made to support the person invited to the meeting, which will enable them to participate fully
- ✓ notification that it may be a disciplinary issue if they unreasonably refuse or fail to attend the meeting.

Carrying out the investigation

When gathering evidence, an investigator should remember that their role is to establish the facts of the matter. They should therefore not just consider evidence that supports the allegations but also consider evidence which undermines the allegations.

What type of evidence should be collected?

- Written records and documents
- Photos and videos
- Social media/email screenshots
- Statements from others.

Some investigations will only require the collection of the evidence listed above. In these circumstances, an investigator will not need to conduct an investigation meeting.



Note: The evidence may have already been submitted as part of the complaint. Therefore, it might not always be necessary to continue gathering evidence. You would only gather additional evidence if you felt it was needed to aid the panel's decision with regard to the next steps.

04. FORMAL RESOLUTION

STEP 1: INVESTIGATION

Investigation meetings

What is an investigation meeting?

An investigation meeting is simply an opportunity to interview someone who is involved in, or has information on, the matter under investigation. An investigation meeting must never turn into a disciplinary meeting.

Why would an investigation meeting take place?

- To gather a statement from the person who is being complained about.
- To gather a witness statement if the witness would rather speak about the complaint (this must be signed by the witness).
- If you feel there is a gap in physical evidence and it requires further information.

Recording an investigation meeting

Typically, an investigator may record the meeting or have someone act as a note-taker. Having a note-taker for the meeting can allow an investigator to focus on exactly what the interviewee says and consider what additional enquiries are necessary to establish the facts of the matter. A note-taker can also be used to read back answers given during the meeting and check that what has been recorded is agreed as being accurate.

What notes should be taken?

Notes taken at the meeting will usually become an interviewee's witness statement. The notes should therefore record:

- ✓ the date and place of the interview
- ✓ names of all people present
- ✓ an accurate record of the interview
- ✓ any refusal to answer a question
- ✓ the start and finish times and details of any adjournments.

The notes should be written without gaps, to avoid the accusation that gaps have been filled in after the meeting.

The notes taken do not need to record every word that is said but they should accurately capture the key points of any discussion.

Use of an audio device

Recording the meeting using an audio device can unnecessarily complicate the matter. Knowing they are being recorded may be intimidating to an interviewee, making them less able to talk openly about the matter. It can also be time consuming because a transcript of the recording will usually need to be typed up so that it can be used as a witness statement.

Investigation meetings – the process (fig. 5)

Following a structured process and pre-planning, initial questions will reduce unnecessary stress and help keep the interview on track. Here is a table to give you ideas on the structure of a meeting:

THE INTERVIEW PROCESS

Before the meeting takes place an investigator should:

- establish how the interviewee may be able to help with the investigation and plan initial questions accordingly
 - book an appropriate time and place for the meeting
 - write to the person, inviting them to the meeting and detail any rights of accompaniment.
-

At the start of the meeting an investigator should explain:

- who is present and why
 - the role of the investigator
 - the purpose of the meeting
 - the need for confidentiality during the investigation
 - that the interviewee's witness statement may be used in an investigation report
 - who will see the interviewee's witness statement.
-

During the meeting an investigator should:

- ask questions to gather the facts of the matter
 - probe the interviewee without it being adversarial
 - record responses and any refusal to respond
 - seek evidence that may substantiate the information provided.
-

At the end of the meeting an investigator should:

- check if there is anything else the interviewee thinks is important before ending the interview
 - ask if there are other witnesses that they think should be interviewed and why
 - explain that the interviewee may need to be interviewed again
 - explain that the interviewee will be provided with a copy of their witness statement for them to check and confirm that it is accurate.
-

After the meeting the investigator should:

- provide the interviewee with a copy of their statement and seek agreement that it is accurate
 - consider what the important facts from the meeting were and whether evidence already collected supports or contradicts this
 - consider whether the meeting suggested any further evidence needs to be collected or interviews arranged.
-

04. FORMAL RESOLUTION

STEP 1: INVESTIGATION

Investigation meetings – tips & techniques

- **Listening** – Effective listening will help an investigator get a better understanding of the people they interview and their points of view. Typical actions that an investigator should follow include:
 - ✓ having a list of pre-planned questions to follow and tick off
 - ✓ remaining focused on the witness and the reasons for the meeting
 - ✓ concentrating on exactly what the witness says
 - ✓ being open-minded to anything the witness may say
 - ✓ acknowledging the witness' viewpoint
 - ✓ listening for points the interviewee avoids covering or giving details about
 - ✓ allowing the witness to finish their point before moving the interview on or asking a further question
 - ✓ using silence to encourage the interviewee to elaborate on points.
- **Body language** – An investigator should think about their body language and consider how their actions may be perceived. Typical actions that can help to reassure an interviewee that the meeting will be conducted impartially, fairly and professionally include:
 - ✓ facing the interviewee in a relaxed body posture
 - ✓ being calm
 - ✓ not folding arms, which can be intimidating
 - ✓ giving an appropriate amount of eye contact
 - ✓ giving appropriate affirmative facial expressions and gestures, such as nodding.
- **Questioning techniques** – An investigator should be able to ask questions that challenge and test the credibility of the information being given in a manner that is professional and does not intimidate an interviewee. Several types of question can be used by an investigator during an investigation to help them control the meeting and gather the full facts of the matter from the interviewee.

Investigation meetings – tips and techniques (fig. 6)

QUESTIONING APPROACHES TO USE

Open questions

These questions encourage an interviewee to open up. They can provide a rich source of information that an investigator can then go on to explore in more detail.

For example:

- Explain to me exactly what you saw.
 - Describe exactly what happened.
 - Talk me through what you heard.
-

Closed/specific questions

These questions usually elicit a “yes”, “no” or definite answer. They can be helpful to gather specific facts and can help focus an overly talkative interviewee.

For example:

- What time did you leave your workplace?
 - How many times did that happen?
 - Did you speak to your manager about that?
 - Who else was there?
-

Probing questions

These questions can test the strength of an interviewee’s account and challenge any inconsistencies. It is important to phrase these questions so they are inquisitive rather than interrogative.

For example:

- When you say she was aggressive, what exactly do you mean by aggressive?
 - You mentioned earlier that X... Tell me more about that.
-

Feelings questions

These questions can help to focus an interviewee on what is important to them and reveal their beliefs. However, they should be used sparingly as the meeting is mainly to establish the actual facts of a matter.

For example:

- What was important to you about that?
 - What is your main concern about what happened?
-

Asking “What else?”

This question helps an investigator probe deeper, beyond the initial information provided. Care needs to be taken to ask this sensitively.

For example:

- What else can you tell me about what happened?
 - What else do I need to know about the matter?
-

Summaries

Summaries provide an opportunity to check that the correct information is recorded. They also allow the interviewee to reflect on what they have said, to correct any inaccuracies and to give further details where there are gaps.

For example:

- So, can I clarify that what you are telling me is that you left your workplace at 10am because there was a problem at home, and you did not return to work. Have I got that right?
-

Investigation meetings – tips and techniques (fig. 7)

There are some types of question that can hinder an investigation and these should be avoided, wherever possible.

QUESTIONING APPROACHES TO AVOID

Interrogative questions

The aim of the investigation is to establish the facts rather than interrogate someone. Although sometimes necessary, 'Why' questions can make the interviewee defensive, meaning they 'close up'.

For example:

- Instead of "Why did you do that?" use "What made you decide to do that?"

Leading questions

These questions can lead the interviewee to provide the answers the investigator hopes or expects to hear.

For example:

- Instead of "Do you think he was perhaps overreacting?" use "What did you think of his reaction?"

Multiple questions

These questions can lead to confusion and the interviewee will answer what they heard first, last or the part they are most comfortable answering.

For example:

- Instead of "What is your role, do you like it and why?" ask each question individually.
-

04. FORMAL RESOLUTION

STEP 1: INVESTIGATION

Concluding the investigation

If, after completing the investigation, the investigator feels they need more information, it is appropriate to go back and gather this, but they should notify the person(s) being investigated of the delay and try to complete the investigation within a reasonable time frame.

Writing a report

Once the investigation is complete, the investigator should write up their findings together with recommendations.

The investigation report should include all the facts that were and were not established. It is important to not leave any information out (even if the facts of the matter could not be determined) to avoid accusations of bias or of filtering evidence to suit the findings.

The template form below has been created by work and employment law advice specialists, Acas. Though developed for workplace investigations, it provides a useful tool for clubs to adapt for their own needs.

Writing a report (fig. 8)

AN INVESTIGATION REPORT SHOULD INCLUDE:

Introduction	<ul style="list-style-type: none">• Name and club member and/or volunteer title of the person who authorised the investigation.• Name and club member and/or volunteer title of the person who conducted the investigation.• A brief overview of the circumstances that led to the investigation.• The terms of reference of the investigation and if they were amended.
Process of the investigation	<ul style="list-style-type: none">• How the investigation was conducted.• What evidence was collected?• Whether any pieces of evidence could not be collected and why.• Name and club member and/or volunteer title of every person and why each witness was relevant to the matter.• Whether any witnesses could not be interviewed and why.• Where a witness statement has been anonymised, an explanation of why, with details provided of any enquiry into their character and background.
The investigation findings	<ul style="list-style-type: none">• A summary of the findings from all relevant documents.• A summary of key evidence from each witness statement.• What facts have been established?• What facts have not been established?• Whether there are any mitigating factors to consider.• Whether there is any other relevant information to consider.
Conclusion of report (if required)	<ul style="list-style-type: none">• A recommendation based on all evidence collected.• Any other recommendations related to the matter.
Supporting documents	<ul style="list-style-type: none">• The collation of all documents and witness statements referred to in the report should be included and clearly referenced.

04. FORMAL RESOLUTION

STEP 1: INVESTIGATION

Tips and techniques for writing a report

- ✓ Write in an objective style.
- ✓ Avoid nicknames and jargon.
- ✓ Use the same form of address for all people referenced.
- ✓ Use appropriate language and keep it simple, wherever possible.
- ✓ Stick to the facts of the matter.
- ✓ Keep it concise.
- ✓ Explain any acronyms used.
- ✓ Include all evidence that was collected.

It may not be possible to determine all the facts of what has happened. The report can be broken down into the following sections:

- **Uncontested facts** – Where the facts are not in dispute, they can simply be reported as factual.
- **Contested facts** – Where the facts are contested or contradictory, they should determine what, on the balance of probabilities, took place (see 'Process of the Hearing').
- **Unsubstantiated claims** – Where an investigator is unable to substantiate an allegation, they should consider if further investigation is reasonable or report that they are unable to draw a conclusion.

Making recommendations

The investigator is expected to form any recommendations from the findings of the investigation. These can be broken down into formal and informal action recommendations, or, the investigator may conclude that there are no recommendations required.

- **Formal action recommendations** – The formal action an investigator could recommend will usually be:
 - ✓ to initiate a disciplinary hearing
 - ✓ changes to an organisation's policy or procedure
 - ✓ further investigation into other matters uncovered.

04. FORMAL RESOLUTION

STEP 1: INVESTIGATION

- **Informal action recommendations** – The informal action an investigator could recommend will usually be to:
 - ✓ re-explain the role and expectations; a reminder of the role, its boundaries and what is expected from the club member and/or volunteer may solve the issue
 - ✓ offer more support or training; sometimes it takes people a little longer to learn new skills and, if the club member and/or volunteer is struggling with their role or part of it, they might need more support
 - ✓ change their tasks; if a task is causing an issue, see if someone else could do it or if the club member and/or volunteer could do it in another way – other resources could also help
 - ✓ offer another role; if the role isn't meeting the club member and/or volunteer's expectations, see if they can support the club in another way – set a time frame for trying out any new roles, approaches or behaviour
 - ✓ agree on improvements to be made between groups of members if the issue was a disagreement
- ✓ remind club members and/or volunteers of the club's vision and values, codes of conduct and any relevant policies
- ✓ offer mediation to those involved
- ✓ notify that further, similar, action may result in disciplinary action.
- **No recommendations** – Although an investigator may find there is no further action necessary, they could recommend that counselling, mediation or another form of support may be beneficial to the parties involved and to the organisation.

04. FORMAL RESOLUTION

STEP 2: GRIEVANCE AND DISCIPLINARY PANEL HEARINGS

How to prepare for a grievance and disciplinary panel hearing

When a formal grievance has been raised by a club member and/or volunteer, the club (usually the Club Secretary or Welfare Officer), should arrange a meeting as soon as possible, following any time frames set out within your club constitution or club rules.

The club should provide a written invitation to inform the club member and/or volunteer of the reason for, and the date and time of, the grievance and disciplinary hearing. The club member and/or volunteer should be given reasonable opportunity to attend and be informed of their right to have an accompanying person at the meeting.

The club can arrange for someone not involved in the grievance process to: take notes and/or act as a witness, if necessary.

The club should also:

- arrange for an interpreter if the club member and/or volunteer has difficulty speaking English
- consider whether reasonable adjustments are required.

In advance of the meeting, the panel should:

- gather all evidence provided to them by the investigator
- ensure they have a copy of the relevant club policies, procedures and codes of conduct
- ensure they have permission to share the information which has been given to them.

Sharing information

Under data protection law (UK GDPR), the club should get consent from the person who provided the information before sharing it. This might mean the club needs to make some information anonymous before disseminating it. You can find out more about data protection on the [Information Commissioner's Office \(ICO\) website](#)

If the club member and/or volunteer refuses to attend a meeting within a reasonable time frame, they should be informed that decisions based on current information may be made in their absence. In complex cases, more than one meeting may be needed to ascertain the facts.

Who should be on the panel?

The panel should be made up of three independent people. No panel member should have a relationship with either the complainee or the complainant, or previous association to the disciplinary hearing.

The following process is designed to assist the Club Disciplinary/Appeal Panel Chair to conduct hearings appropriately and to provide guidance to the possible outcomes and panel decisions.

What is a grievance hearing?

A grievance hearing is a meeting that aims to address and resolve any grievance raised by a club member and/or volunteer.

What is a disciplinary panel hearing?

A disciplinary panel hearing is a meeting that aims to address and resolve a club member and/or volunteer's conduct.

04. FORMAL RESOLUTION

STEP 2: GRIEVANCE AND DISCIPLINARY PANEL HEARINGS

Process of the hearing

- Chair of Panel introduces fellow panel members and confirms the identity and status of all other people present.
- Chair reminds all parties of the confidentiality of the hearing and that it will be held in private.
- Chair reminds all parties of the duty to give a fair hearing to everyone with a concern in the case, the duty to explain the reasoning behind any decision and the obligation for any decision makers to be impartial.
- Chair informs the parties that the panel will make its decision on whether the complainee is guilty of misconduct, based on a balance of probabilities. This means that it must be demonstrated that it is 'more probable than not' that the complainee is guilty of misconduct. The panel will consider whether, on the balance of probabilities, the allegations are substantiated by the facts of the case.
- Chair confirms that all parties and panel members have previously received copies of all relevant documentation. In the event that documents have not been exchanged as required, the Chair may consider an adjournment.
- The panel must consider any written and/or oral submission made by the complainee and any written and/or oral evidence provided by witnesses called on their behalf.
- The panel will then consider its decision in private. The panel shall decide any matter based on a simple majority and may reject the complaint or may partially or fully uphold the complaint.
- If the panel upholds the complaint, it must then consider the most appropriate manner to resolve the case and, in doing so, may take account of all relevant information disclosed during the hearing, including any submission made by or on behalf of the complainee.
- In consideration of what sanction to impose, the panel should consider the following criteria:
 - ✓ the nature and seriousness of the misconduct, including whether it involved dishonesty, culpability or reckless neglect
 - ✓ the conduct record of the complainee and, in particular, whether any misconduct of a similar kind has occurred before and the period of time that has elapsed since any previous misconduct
 - ✓ where relevant, the length of time over which the misconduct occurred and the number of breaches
 - ✓ any steps taken by the complainee to avoid a recurrence of the misconduct
 - ✓ whether any admission and/or regret is expressed by the complainee
 - ✓ the extent to which the complainee has derived benefit, or stood to derive benefit, from the misconduct
 - ✓ any steps taken by the complainee to compensate or provide restitution to the complainant
 - ✓ the degree of co-operation with the investigation
 - ✓ any penalties previously imposed by the club in similar cases
 - ✓ the need to deter future misconduct
 - ✓ the need to demonstrate that England Athletics takes firm action to promote the standards of conduct and behaviour required of all athletes, club members, and others engaged in athletics.

04. FORMAL RESOLUTION

STEP 2: GRIEVANCE AND DISCIPLINARY PANEL HEARINGS

- The powers of the panel are to issue:
 - ✓ a warning in respect of the misconduct committed
 - ✓ temporary suspension of club membership
 - ✓ temporary or permanent restriction of club membership
 - ✓ termination of club membership or removal from any official position within the club
 - ✓ a requirement to complete education or training
 - ✓ a recommendation to England Athletics (in the case of the complainee who is a registered England Athletics athlete) for a suspension from competition (or official participation within athletics), or from taking part in any event organised or run under the UK Athletics Rules for Competition for a specified period
 - ✓ a recommendation to UK Athletics (in the case of the complainee who is a UK Athletics licensed coach or technical official) for a suspension of their licence to coach or officiate for a specified period
 - ✓ any combination of the above.
- Chair of Panel may vary this procedure at their absolute discretion if, after discussion with other parties, he or she is of the opinion that such change would assist the hearing process in a fair and impartial way.
- Where appropriate, and at the absolute discretion of the Chair of Panel, details of a decision, including sanctions imposed, may be communicated to UK Athletics, England Athletics, the county association, club or other body where it is considered necessary to ensure compliance with a sanction, or for the safety and wellbeing of those engaged in athletics activity.
- A record of the proceedings and decisions of disciplinary/appeal panels, including any sanctions imposed, shall be confidentially and securely held on file by the club for as long as it is deemed appropriate in accordance with the club's privacy notice.

Top tips for holding panel hearings

The panel should:

- identify one panel member responsible for note-taking
- consider evidence of information from all sides
- remain impartial
- do its best to understand the feelings of the people involved in the grievance
- give careful consideration to the decision made
- consider ending the meeting and resuming it at a later date if further investigation is required
- provide an opportunity for the person who raised the grievance (the complainant) and the person accused of misconduct (the complainee) to ask questions and/or explain their side
- provide a summary of the main points.

04. FORMAL RESOLUTION

STEP 2: GRIEVANCE AND DISCIPLINARY PANEL HEARINGS

Next steps

Following a fair grievance procedure, the panel should decide on the best outcome and make recommendations to the club committee.

The club committee should implement the recommendations set out to them by the panel in line with the rules of the club constitution.

If a grievance involving more than one person is upheld, the panel should decide on the appropriate disciplinary action for each individual.

If the panel decides no further action is needed

- It is a good idea for the person overseeing the grievance to arrange a private meeting with those involved, to discuss the outcomes of the grievance.
- The club should keep a note of how the procedure was carried out, should a similar situation present itself in the future.

04. FORMAL RESOLUTION

STEP 3: APPEALS

What is an appeal?

An appeal is used to review whether a decision that's been made should be overturned or changed.

Clubs should offer members the right to appeal.

An appeal may be raised if it is felt:

- the grievance and disciplinary outcome is wrong, or too severe
- any part of the grievance and disciplinary procedure was wrong or unfair
- there is new evidence to show.

If an appeal is submitted, the club will need to look again at the case to see if the procedure was followed correctly and the outcome was fair. The club should:

- hear the appeal and carry out another investigation, if necessary
- see if a different outcome is appropriate
- provide the final outcome, in writing, as soon as possible.

Who carries out the appeal?

The person who carries out the appeal and any further investigation should not have been previously involved in the case. This might not always be possible, though, especially in small organisations. However, the club should try and make the process as fair as it can. If possible, the club could bring in an external person to carry out the appeal.

Process for appeal

The request for an appeal should be submitted in writing and include the following:

- Why the club member and/or volunteer thinks the outcome was wrong or unfair.
- What the club member and/or volunteer would like to happen next – for example, would they like the evidence to be reviewed or for new evidence to be looked at?

The club should acknowledge an appeal and cast a decision in regard to 'the grounds on which the verdict is challenged' within seven days of receipt of the appeal. If sufficient grounds are noted or evidence is provided to support a challenge, an appeal panel process will commence. If insufficient grounds, the appeal will be dismissed.

04. FORMAL RESOLUTION

STEP 3: APPEALS

If the appeal process commences, the club should:

- appoint an appeal panel of three members who have not been involved directly, either in the events giving rise to the hearing, or in the initial disciplinary hearing itself
 - inform all parties concerned of the composition of the appeal panel – parties may object to the make-up of the panel by notifying the Club Secretary of their objection and setting out the reasons for their objection no later than seven days from the date they were informed of the panel composition
 - notify the parties within 14 days of receipt of the objection and inform them that:
 - ☑ the composition of the panel has changed, in which case the Club Secretary shall provide details of the new appeal panel
- or
- ☑ the composition of the panel has not changed, in which case the Club Secretary shall give reasons why the club has not accepted the objection

- give direction to all parties within 14 days of responding to the objection on:
 - ☑ the date and place the appeal panel will meet to determine the appeal outcome
 - ☑ whether the appeal will proceed by way of written submissions or an oral hearing
 - ☑ whether the parties should be required to submit statements of their evidence and/or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.



Note: An appeal hearing will follow the same process as the hearing in the previous section.

Powers of the appeal panel

The appeal panel shall meet on the date fixed by the club. It may, at its sole discretion, disregard any failure by a party to adhere to the appeal procedure and may give further directions as appropriate.

Any hearing shall be in private unless all parties agree otherwise, or unless the appeal panel directs. The appeal panel shall have power to make a decision on the facts as it thinks fit and may:

- quash the original decision
- confirm the original findings
- request that the case be reheard (retrial)
- increase the original sanction
- abate the original sanction.

The appeal panel shall inform all parties of its decision within 14 days, with written reasons. The decision of the appeal panel is final and it shall decide on any issue by majority.

05. APPENDIX

Mediation

If an agreed way forward cannot be found, the club could consider mediation as an alternative way to find a resolution. Mediation is especially effective when used at the initial phase of any disagreement before conflict escalates. An early intervention can prevent all sides from becoming entrenched and the difference turning into a full-blown dispute. If the disagreement is resolved early on, there is less chance of the relationship breaking down irrecoverably.

Mediation tends to distinguish itself from other approaches to conflict resolution, such as grievance procedures, in a number of ways.

Mediation is:

- less formal
- more flexible
- voluntary
- morally binding but normally with no legal status
- confidential
- unaccompanied (generally)
- owned by the parties.

Mediation is generally used to resolve disagreements around club member and/or volunteer relationships rather than just issues related to dismissal or conduct.

You can use mediation to resolve:

- bullying and harassment
- communication problems
- personality clashes
- relationship breakdowns.

Mediation helps to mend club member and/or volunteer relationships by:

- finding solutions that everyone agrees to
- improving communication
- allowing everyone involved to have control of what's agreed.

Identifying a mediator

Mediation is held by a neutral person (a mediator). The mediator is impartial. This means they do not take sides. They're there to help everyone involved find a solution they can all agree to.

It's not about judging who was right or wrong in the past. It looks at how to agree on working together in the future. Below are lists of skills/competencies, and desirable knowledge/experience, that make up a mediator's tool kit. These are not essential and it's unlikely a mediator will possess all those listed. Many of the specific skills needed will depend on context, and most mediators develop as they gain more experience.

Skills/competencies

- Active listening
- Summarising
- Building rapport
- Facilitation
- Objectivity
- Conflict management

- Negotiation
- Empathy
- Impartiality
- Professionalism
- Flexibility.

Desirable knowledge/experience

- Experience of conflict resolution
- Understanding of club policies and practices
- Experience of facilitating informal groups
- Knowledge of the mediation process.

If you would like the support of an external mediator, it may be possible to request this through your local volunteering centre or active partnership. Whilst England Athletics staff are unable to be involved, they may be able to help you identify a club member and/or volunteer from another club, or a regional council member, to support.

The mediation process

What the process offers is a safe and confidential space for everyone to find their own answers. It does this by:

- exploring the issues, feelings and concerns of all involved and rebuilding relationships using joint problem-solving
- allowing those involved to understand and empathise with the feelings of those they are in conflict with
- giving people insights into their own behaviour and that of others, opening up opportunities for change
- helping people to develop the skills required to resolve workplace difficulties for themselves in the future
- encouraging communication and helping those involved to find a solution that all sides feel is fair
- using energy generated by conflict in a positive way to move things on.

Mediation is voluntary and confidential. The mediator will agree with everyone involved what information can be shared outside the mediation, and how. If you do not reach an agreement, anything that has been said during the mediation must remain confidential and cannot be used in future procedures.

Stages of mediation

- **Separate meeting** – The mediator will meet with parties separately. The aim of this first meeting is to allow each person involved to tell their story and find out what they want out of the process.
- **Joint meeting** – There are five parts to this stage of mediation:
 - ✓ Opening the mediation meeting – Opening the meeting with a welcome and a thank you for attending to find a resolution and allowing all sides to continue to have a positive experience at the club.
 - ✓ Hearing the issues – The mediator brings people together and invites them to air their side of the story during a period of uninterrupted time. At this stage, the mediator will begin to summarise the main areas of agreement and disagreement, and will draw-up an agenda with the parties for the rest of the mediation session.
 - ✓ Exploring the issues – Having identified the issues, the mediation is now about encouraging communication between the parties, promoting understanding and empathy, and changing perceptions. The aim of this part of the meeting is to shift the focus from the past to the future and to look for constructive solutions.

- ✓ Building and writing an agreement – As the process develops, the mediator will encourage and support joint problem-solving by the parties, ensure the solution and agreements are workable, and record any agreement that is reached.
- ✓ Closing the mediation meeting – Once an agreement has been reached, the mediator will bring the meeting to a close, provide a copy of the agreed statement to those involved and explain their responsibilities for its implementation. In some cases, an agreement will not be reached and other procedures may subsequently be required to resolve the conflict. Nothing that has been said during the mediation can be used in future proceedings.

Mediation outcomes

Mediation outcomes are decided by everyone involved and can be flexible.

Outcomes might include:

- an acknowledgement of each party's views
- a commitment to change behaviour
- a commitment to regularly review the agreement
- an agreed review of policies and procedures
- an agreement to share work more fairly and provide more responsibility.



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club support, visit the
England Athletics
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