

## Complaints Procedure



### Introduction

It is clearly desirable for any complaint to be resolved informally where possible and it is hoped that every attempt will be made to achieve this.

Where it has not been possible to resolve the matter informally the Complaints Procedure should be invoked. The request should be made in writing to either the Chief Executive or in the case of a complaint concerning the Chief Executive, the Chairman.

### 1. Complaints: Definitions and Limitations

a. A Complaint is a formal expression of dissatisfaction with the actions or behaviour of clubs, bodies, organisations or individuals or with alleged unfair practice in connection with the sport.

b. Grounds for a Complaint shall include but shall not be limited to the following:

- i. if any club, body, organisation or individual engages in any action, behaviour or practice which may bring the sport into disrepute;
- ii. if any competitor takes part in a competition, exhibition or demonstration with one whom they know to be under suspension by the MPAGB;
- iii. the violation of MPAGB Memorandum and Articles of Association or Procedures;
- iv. a breach of the MPAGB Code of Ethics.

c. A Complaint may be made by:

- i. any member;
- ii. the parent of or other person with parental responsibility for a member under the age of 18 years on his behalf;
- iii. an affiliated club or other affiliated body;
- iv. any committee of the MPAGB, Region or affiliated organisation through its secretary or other Officer acting on its behalf;
- v. a person officiating at an event.

d. No complaint may be made under this procedure against an employee of the Association relating to any action taken in the course of his employment. Any complaint about such an action shall be dealt with by the Association's Staff Handbook and should be addressed to the Chief Executive or Chairman.

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### 2. Submitting a Complaint

a. A complaint must normally reach the Chief Executive or Chairman no later than thirty days after the alleged incident that gave rise to it.

b. The Chief Executive or Chairman will appoint an Investigating Officer to investigate the alleged incident. The Investigating Officer will be independent of the events and impartial.

c. The Investigating Officer shall have the power and discretion to co-opt from time to time additional persons with specific skills or experience to assist in the carrying out of their duties.

d. If the Investigating Officer, to whom a complaint has been forwarded is not satisfied that it meets the criteria for a complaint they may refuse to allow it to proceed.

e. If the Investigating Officer, to whom a complaint has been forwarded which was submitted later than thirty days after the alleged incident which gave rise to the complaint, is satisfied that it is in the interest of the sport to do so they may permit the complaint to proceed. Before arriving at a decision they may, require an explanation of the delay in making the complaint.

f. The Investigating Officer shall notify all interested persons and/or bodies immediately of any decision by them, whether or not to allow a complaint to proceed setting out the reasons for the decision.

g. The parties to the complaint shall be entitled to appeal against any such decision of the Investigating Officer, to the Chairman provided that the notice of appeal, setting out the grounds for appeal, is lodged with the Chairman within 21 days of the date upon which the Investigating Officer sends the written notification of the decision.

h. The Chairman shall consider the grounds of appeal. In the case of an appeal against a decision of the Investigating Officer to allow a complaint to proceed, they may invite a written submission from the complainant. They may confirm or reverse the decision made by the Investigating Officer and may grant or refuse permission to proceed with the complaint. The decision of the Chairman shall be final.

i. If the Chairman allows an appeal against the refusal of the Investigating Officer to allow a complaint to proceed on the grounds of the lateness of the complaint, the party against whom the complaint has been made may raise the lateness of the complaint as an issue at the hearing.

### 3. Powers and duties of the Investigating Officer

a. The Investigating Officer may require that MPAGB members and request that other individ-

uals participate and give evidence and/or that further written documents or other evidence be supplied by any or all of them.

b. Any improper contact, approach or attempt to influence or intimidate any Investigating Officer, witness or representative either in person or through an intermediary must be immediately reported to the Investigating Officer who may take such action as they deem appropriate. Such conduct may in itself form the subject of a complaint.

c. It shall be for the complainant to prove the complaint on a balance of probabilities.

### 4. Decisions

a) The Investigating Officer shall report their findings to the Board of Directors who make its decisions on cases before it by majority.

b) The Board of Directors Committee may make whatever order it considers just, including the imposition of a financial penalty and/or suspension for a period.

c) The Chairman of the MPAGB will be excluded from a) and b) above.

### 5. Appeals

a) There shall be a right of appeal by any of the parties

i. against the decision of an Investigating Officer not to allow a complaint to proceed on the grounds that it did not meet the criteria for a complaint;

ii. against the decision of an Investigating Officer whether or not to allow a complaint to proceed which was submitted later than thirty days after the alleged incident that gave rise to it;

iii. against any final decision of the Board of Directors;



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