



## Complaints:

Guidance for clubs  
affiliated to Scottish  
Gymnastics

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## **Complaints: Process and Guidance for clubs affiliated to Scottish Gymnastics**

### **Introduction**

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

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

A "Complaint" includes grievance, allegation, and query, expression of concern or identification of an issue. However, wherever possible, those making a complaint should identify whether their communication to the club concerning matters of this kind, which they want the club to deal with, is or is not intended to be a Complaint. Using the ***club complaints template form*** will help with this.

- Anyone who is the subject of a complaint has the right to be notified of the allegations against them and must be given the opportunity to respond to the allegations
- At the initial investigation/fact gathering stage, they do not need to know the identity of the complainer

### **Step One – Making a complaint:**

- Any complaint must be made in writing using the ***clubs complaints template form*** and must contain specific details including dates and times
- An initial assessment of the complaint should be made by the club to consider whether interim suspension is appropriate pending further investigation
- Complaints surrounding poor practice and or child wellbeing issues should be addressed to the club Safeguarding Officer (SO)
- Complaints not connected with poor practice/child wellbeing should be directed to the chairperson/club secretary or head coach

### **Step Two – Responding to a complaint:**

- The appropriate club investigation officer should respond to the complainant within 5 working days, acknowledging receipt of the letter, explaining the process and confirm the timescales which will be followed
- Investigate - gather the facts. The appropriate club investigation officer should arrange to interview all those involved in the complaint. A list of questions specific to the

complaint should be compiled and should be adhered to. ***refer to the investigation planner***

- Responses to the questions should be recorded (written) and the witness should then be given the notes to read, agree as a true record, sign, and date. ***refer to the witness statement template***
- Arrange to meet with the person against whom the complaint is being made, a copy of the complaint along with the evidence should be provided. He/she should be asked to comment, and all details of the interview should be recorded, agreed signed and dated. ***refer to the investigation planner***

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

**Step Three: - Review evidence:**

- All correspondence and evidence should then be considered by the appropriate club investigation office and one other not connected with the complaint.

**Step Four – Case to answer? *refer to the complaints flow chart***

**Example 1:** complaint against a coach - ***minor breach*** of club rules or poor practice:

- An interview should be conducted with the coach to go over the code of practice and expected standards of behaviour. The interview can be conducted by the SO and club chair or by head coach and SO if head coach is not involved
- A caution or warning as to future conduct should be issued
- Consider if additional safeguarding training is required
- The interview and caution / warning should be recorded and kept on file
- The decision made and the action taken should be notified in writing to those who required to know

**Example 2:** complaint against a coach - ***serious poor practice*** or breach of club rules: - [seek guidance from Scottish Gymnastics] If a formal hearing is requested then the following should be adhered to:

- A disciplinary committee should be set up, in accordance with the club procedures and should consist of a Chair plus two others, who were not involved in the investigation
- The Chair of the committee will determine which members of the committee shall hear any issue brought before it
- Those entitled to sit shall, in the reasonable opinion of the Chair of the committee, should have no interest in the case to be heard which would render their involvement in the process unfair
- The quorum of the committee shall be three members
- It is the responsibility of the Chair to set the date, time, and venue of a hearing and to arrange the attendance of any witnesses
- The coach should be provided in writing details of the hearing, and that they are entitled to bring someone with them for support
- The deliberations of the committee shall be in private
- Notes (minutes) of the hearing should be taken, circulated to all committee members to agree, sign and date

- The person, against whom the complaint is being made, shall be advised in writing by the Chair of the decision of the committee and of the right to appeal the decision of the committee
- The decision of the committee shall be notified in writing to all interested parties including Scottish Gymnastics as soon as reasonably practicable after conclusion of the hearing but no later than fourteen working days from the date on which the committee concludes its deliberations
- All paperwork pertaining to the issue should be kept in a secure password protected file

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

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

**Appeal**

- The individual who has been the subject of a decision of the disciplinary committee has the right of appeal against the decision
- The appeal must be lodged in writing with the club chairperson within 7 calendar days of the issue of the written decision of the committee
- The appeal must state the ground(s) of appeal and contain the full reasons and basis on which the ground(s) of appeal are being pursued
- An appeal panel must be set up in accordance with the club procedures and should consist of a Chair plus two others, who were not involved in the investigation or the disciplinary hearing
- Those entitled to sit shall, in the reasonable opinion of the Chair of the panel, should have no interest in the case to be heard which would render their involvement in the process unfair
- The quorum of the panel shall be three members
- The deliberations of the committee shall be in private
- Notes (minutes) of the hearing should be taken, circulated to all panel members to agree, sign and date
- The person submitting the appeal shall be advised in writing by the Chair with the decision of the panel
- The decision of the panel shall be notified in writing to all interested parties including Scottish Gymnastics as soon as reasonably practicable after conclusion of the appeal but no later than fourteen working days from the date on which the panel has made the decision
- All paperwork pertaining to the issue should be kept in a secure password protected

## **Review**

Once a complaint has been dealt with, clubs should review their procedures and codes of conduct. What worked well, what did not work well, and what requires to be updated. Update if required and notify all club members.

## **Complaints which should be directed to Scottish Gymnastics:**

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

## **Exception to this rule:**

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

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

## **Whistle Blowing:**

The welfare of children and young people requires everyone to be committed to the highest possible standards of openness, integrity, and accountability. Scottish Gymnastics supports an environment where people feel free to raise their concerns with the knowledge that all concerns will be taken seriously and acted upon. Members or, in respect of those under 18 years of age or vulnerable adults, their parents, guardians or carers should be able to raise any complaints or concerns including those relating to poor practice, abuse or misconduct within the club without fear of victimisation.

Under no circumstances should clubs and those running clubs, attempt to conceal evidence of poor practice, abuse, or misconduct.

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

## **DATA PROTECTION ADVICE**

Detailed below are guidelines for storing, destroying, and accessing records related to complaints and or incidents.

<b>DOCUMENT</b>	<b>WHERE TO STORE</b>	<b>WHO HAS ACCESS</b>	<b>HOW LONG TO KEEP</b>	<b>HOW TO DISPOSE</b>
Incident Reports	Secure	Safeguarding officer / other professional agencies depending on follow up.	Varies, depending on situation. Seek guidance from SG	Shred or burn
Complaints & Outcomes	Secure	Safeguarding Officer /Chairperson & possibly SG/ other investigating authorities	Varies, depending on situation. Seek guidance from SG	Shred or Burn

- ❖ **Note: in safeguarding/welfare issues, all documentation may be required for a criminal investigation.**
- ❖ **Definition of: secure – Password protected, kept in a locked place with restricted access.**

## **Examples of Case Studies**

### **Case Study (1) Complaint of Poor Practice not handled well.**

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

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

**Outcome:** Scottish Gymnastics reviewed the handling of the complaint. It was noted that there appeared to be no process within the club for raising concerns. The club was run by the head coach who really did not like to be questioned. The committee as such, consisted of the head coach, a family member and a close friend of the head coach. The club was reminded of good governance and good practice in the handling of complaints, the information contained within the Child Protection Policy and the information passed on through attendance on the relevant safeguarding courses, which the club SO had actually attended.

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

### ***Case Study (2) Complaint of Poor Practice handled effectively***

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

The coach agreed the language used was inappropriate and that she had felt she did not have as much patience as she used to and had been thinking for some time about giving up coaching.

**Outcome:** The club sent a letter of apology to the parents and to the gymnast. The coach in question did retire from the sport. The club arranged for Scottish Gymnastics to deliver an inhouse safeguarding course which all coaches, officials and relevant committee members attended. Coaches and gymnasts were reminded of the clubs policy and procedures on bullying. Club reviewed and updated their codes of conduct. A club newsletter/welcome pack was developed and issued to parents

### **Case Study (3) Allegation of Serious Poor Practice**

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

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

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



## Complaints Process

These are the steps we would recommend are followed. The club needs to understand every situation will be different. If it is a serious matter (safeguarding or otherwise), interim suspension should be considered.

Help is available from Scottish Gymnastics at every step.

