

WJFF UK CIC Complaints Procedure

Introduction

The WJFF will not get involved in any situation, dispute or argument which takes place outside of a WJFF Registered Club or WJFF event, or in the domain of Social Media. Complaints will only be accepted relating to activity within a Registered Club and only if taken place DURING a lesson or event.

The WJFF will not take responsibility for what Members do in their own time. The WJFF do not own the Clubs who are registered with our Federation or employ individual Instructors / Club Coaches; therefore, they are not our employees and we will not be held vicariously liable for their actions, either directly or indirectly.

To summarise, if an incident arises during a Coaching Session at a Registered Club or at a WJFF event we can and will investigate should a complaint be received.

Making a Complaint

Whilst the initial complaint may be received via email / text / telephone / social media, no action will be taken until a written statement is received. It is essential that all complaints are submitted to the WJFF in writing, providing factual evidence, duly signed by the complainant, with their full postal address. We must be able to prove who instigated the complaint for it to have any legal standing, however our Conduct and Complaints Committee (CCC) reserves the right to investigate complaints received anonymously if justified.

Action Taken Once a Complaint Received

- 1) After a complaint is received which relates to an incident which has occurred within a WJFF registered club or at a WJFF event the CCC will make an initial assessment of the complaint. They may seek an informal resolution or allocate to an investigator dependent on the seriousness of the complaint. (It should be noted that a Police or Social Services investigation will take priority and no action will be taken by the CCC until that investigation and any resulting criminal proceedings has concluded.
- 2) When allocated to an investigator he / she will inform the complainant that they are dealing with the matter and inform them that their details will be disclosed to the person complained against and the likely timescales of the investigation. They will also inform the person complained against that they are the subject of a complaint, an outline of the complaint, who made the complaint, and seek a brief response to the complaint.
- 3) The investigator will then conduct an investigation that is thorough, proportionate, relevant and fair to all parties. Contact with witnesses will usually be via the telephone or email but may be by face to face meetings. When contact is made by “phone”, a reasonable note of the conversation will be made, and confirmation of the conversation will usually be sought by email.

- 4) Full disclosure of all relevant statements, including those that may undermine the case will be disclosed to the person complained against and they will be given an opportunity to respond. The investigator may also ask any appropriate questions of them and ask for any evidence or witness that supports the person complained against.
- 5) The investigator will then complete a standardised report and attach all notes/statements obtained during the investigation. This will be disclosed to the person complained against and they will be asked, in writing, if they wish to make any written presentation to the adjudication panel that will hear their case including any procedural points (within 14 days).
- 6) The investigator will submit their report and any submission by the person complained against to the Chair of the CCC, who will decide, depending on the complexity of the case, to either circulate the report and submission to the Panel Members by mail/email for adjudication, or to hold a formal Panel. If considered by emails, all Panel members may ask any questions of the investigator or other Panel members.
- 7) A formal Panel will consist of a Chair and at least two other Panel members and the investigator.
- 8) No personal appearance will be allowed by the complainant nor the person complained against at the Adjudication Panel.
- 9) The Panel will decide the case using 'the balance of probabilities' as the burden of proof and will find the case as 'Proven or Not Proven'.
- 10) If the case is found to be 'Proven', the Panel will decide upon an appropriate sanction. This may range from 'words of advice' to expulsion from the WJFF. The Panel reserves the right to take into consideration any previous finding against the person.
- 11) The Chair of the CCC will write to the complainant and the person complained against within seven days notifying them of the outcome.
- 12) If the CCC is considering a sanction of a suspension or expulsion, the Hearing will be suspended to allow a personal appearance at a re-convened Panel by the subject of the complaint.
- 13) In such circumstances, the Chair of the CCC will arrange a new Hearing date when the same Panel members and the subject of the complaint are available. Whenever possible within one month of the original Hearing.
- 14) At any such re-convened Hearing the person complained against may bring a friend or legal representative. It should be noted that no costs or expenses will be paid by

the WJFF to any person appearing before the Panel. The purpose of the Hearing is not to re-hear the case. After the Chair has outlined the finding against them, they will be allowed a combined total of 20 minutes to present any mitigation to the Panel. It must be emphasised that only mitigation as to action will be heard. The Panel will then retire to consider an appropriate sanction.

- 15) The Chair of the CCC will notify the complainant and the person who complained against the Panel's decision within seven days.
- 16) The Managing Director of the WJFF reserves the right in exceptional circumstances to alter or amend these procedures so long as the investigation and adjudication remains fair to all parties. Where there has been a procedural error, the Managing Director of the WJFF may direct the CCC to re-hear the case or make any further investigation necessary.
- 17) Any Appeal must be made within ten working days in writing to the Managing Director and include a £100 admin fee.

Appeal Procedure

- 18) The notification of Appeal must contain the grounds for the Appeal. The only grounds for an Appeal are:
 - That there was a material error, either factual or procedural in the original Hearing.
 - There is new evidence that, had it been known at the time of the Disciplinary Hearing, would have affected the decision of the Panel.
 - An Appeal may also be made solely against the sanction imposed by the Disciplinary Panel.

An Appeal that does not meet one of the above criteria may be refused by the WJFF Managing Director and will not proceed any further.

- 19) The Appeal Panel shall comprise of three members selected from the members of the Board of Directors at the discretion of the Managing Director having regard to whether parties are known to each other and the complexities of the issues. The Managing Director may also invite a person from another sporting body or a legal professional to be one of the three Panel members. The Managing Director will designate one of the Panel as Chair of the Panel. The Managing Director's decision as to membership and Chair of the Panel is final.
- 20) The Managing Director will be responsible for arranging the date and venue of the Appeal Hearing having due regard for the availability of all parties. The date of the Appeal should normally be within six weeks of the notification of Appeal.

- 21) A full set of papers will be provided to Panel members and the appellant no later than ten days before the Appeal date (unless the Appeal Hearing falls within that time, in which case papers will be provided as soon as possible). A copy of the grounds for Appeal and any supporting statement will also be provided to the Panel members.

The Appeal Hearing

- 22) An Appeal is not a re-Hearing of the original Disciplinary Hearing and whilst it will be necessary for Panel members to review the evidence by reading the statements and any reports, it will not involve calling of live witnesses unless material new evidence has come to light that was not available to the Disciplinary Panel. It should be noted that not every fact or procedure will be material to the Appeal. This will be entirely at the discretion of the Appeal Panel Chair whose decision will be final and absolute.
- 23) The Appellant may invite a companion or legal representative to accompany them at the Hearing. The WJFF CCC Investigator or Managing Director, if the Investigator is not available, will normally attend all Appeals. Any other person attending an Appeal Hearing will be entirely at the discretion of the Panel Chair.
- 24) Before calling any person into the Hearing, the Chair will ensure that Panel members have read and understand the case and have a copy of the grounds for Appeal. The Chair will then call in the Appellant, together with their companion or legal representative and the WJFF CCC Investigator.
- 25) The Chair will then ask the Appellant or their legal representative to outline the grounds for their Appeal and provide any verbal or documented support for their Appeal. The Panel may ask the Appellant any questions or seek clarification of any of the points raised.
- 26) The Panel may then ask the WJFF CCC Investigator and / or Chair any questions or seek clarification on the information provided by the Appellant or from the original investigation or Hearing.
- 27) Once the Chair is satisfied that the Panel has sufficient information on which to decide the Appeal, they will retire to consider whether the Appeal is upheld or dismissed. The Appeal Panel also has the power to change any sanction imposed by the original Disciplinary Panel.
- 28) At the conclusion of the Appeal, the Panel shall have the power to:
- Dismiss the Appeal
 - Alter or verify the original decision
 - Quash any sanction and/or substitute it for any other penalty or
 - Make any such order or determination
 - as it may think right or just

29) The decision of the Appeal Panel will be communicated to the Appellant within seven days of the Hearing

30) The Appeal will be final and binding and there lies no other form of Appeal

1) Civil Complaints

In general terms, a civil complaint is a process through which a person can seek to hold another liable for some type of wrongdoing which does not involve any sort of criminal activity. In these cases, statements will be gathered from all persons present at the time of the alleged incident and a decision will then be made based on the evidence presented.

2) Criminal Complaints

Criminal complaints are not for the WJF to investigate and in these cases the Police must be involved in the first instance. We will require the Police log number, along with the name and contact details of the investigating Officer. Once these details have been received and verified the personal WJF membership of the person under investigation may be suspended, depending on the nature of the allegation (s) against them and a decision will then be made based on action taken by the Police.

Misuse of Social Media

Our Social Media Policy provides advice and guidance on the use of Social Media and other platforms. No other advice will be given. The Social Media Policy can be downloaded from the Instructor Resources on this website.

We all have a duty to be mindful of what we communicate, either verbally or in writing, in order not to cause offence to another which could result in Police or Civil Action. In such cases the “Author” only has his / herself to be held accountable, including any damage they cause to their own reputation with or without Police or Civil Action.

Competitions

The WJF does not generally host or sanction competitions. If a complaint relates to a competition, the complainant must approach the competition organiser directly.

Important Note: With regard to both Civil and Criminal complaints

Posting any information on Social Media regarding a complaint could weaken any case brought about. It is strongly advised that this is avoided as it could be interpreted as “*trial by social media*” and could also result in harassment charges being brought in return.